

Washington, Tuesday, December 30, 1941

The President

EXECUTIVE ORDER

COORDINATING CIVIL METEOROLOGICAL FA-CILITIES AND SERVICES FOR WAR PUR-POSES

By virtue of the authority vested in me by the Constitution and Statutes of the United States, as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, and to further the successful prosecution of the war, it is hereby ordered as follows:

1. The Secretary of Commerce shall exercise his control and jurisdiction over the issuance of weather reports and forecasts of the civil weather service so as to meet to the best advantage such requirements with respect thereto as the Secretary of War or the Secretary of the Navy shall determine to be necessary for the successful prosecution of the war.

2. The Secretary of Commerce shall take such steps as may be necessary to secure the coordination of civil meteorological facilities and services to meet the requirements of the Army and Navy and other vital defense activities for essential and effective weather information, and shall not disclose information which may be considered by the Secretary of War or the Secretary of the Navy to be of value to the enemy.

3. The Chief of the Weather Bureau of the Department of Commerce shall serve as liaison officer between the Secretary of Commerce and the Secretary of War and the Secretary of the Navy for the purposes of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

December 26, 1941.

[No. 8991]

[F. R. Doc. 41-9766; Filed, December 26, 1941; 3:28 p. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A PRACTICE BOMBING RANGE

WASHINGTON

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as a practice bombing range:

Willamette Meridian

T. 18 N., R. 25 E., sec. 10, SW¹/₄; sec. 14, NW¹/₄;

containing 320 acres.

This order shall take precedence over, but shall not rescind or revoke, Executive Order No. 6964 of February 5, 1935, as amended, so far as such order affects the above-described lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

December 26, 1941.

[No. 8992]

[F. R. Doc. 41-9765; Filed, December 26, 1941; 3:27 p. m.]

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER No. 8389 OF APRIL 10, 1940, AS AMENDED

By virtue of the authority vested in me by Sections 3 (a) and 5 (b) of the Trading with the enemy Act of October 6, 1917 (40 Stat. 415), as amended by Title III of the First War Powers Act, 1941 (Public No. 354, 77th Congress), and by virtue of all other authority vested in me, I, FRANKLIN D. ROOSEVELT, PRESIDENT of the UNITED STATES OF AMERICA, do hereby amend Execu-

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tive Order No. 8389 of April 10, 1940, as amended, in the following respects:

(1) By changing the period at the end of subdivision (1) of section 3 of such Order to a semi-colon and adding the following new subdivision thereafter:

(m) June 14, 1941-Hong Kong.

(2) By amending paragraph B of section 5 of such Order to read as follows:

B. The term "United States" means the United States and any place subject to the jurisdiction thereof, and the term "continental United States" means the states of the United States, the District of Columbia, and the Territory of Alaska; provided, however, that for the purposes of this Order the term "United States" shall not be deemed to include any territory included within the term "foreign country" as defined in paragraph D of this section.

(3) By substituting the following in lieu of subdivision (iii) of paragraph D of section 5:

(iii) Any territory which on or since the effective date of this Order is controlled or occupied by the military, naval or police forces or other authority of such foreign country;

(iv) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any of the foregoing.

Hong Kong shall be deemed to be a foreign country within the meaning of this subdivision.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE. December 26, 1941.

[No. 89981

[F. R. Doc. 41-9777; Filed, December 27, 1941;

EXECUTIVE ORDER

WITHDRAWING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

OREGON

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public land in the State of Oregon be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws. including the mining laws, and reserved for the use of the War Department for military purposes:

WILLAMETTE MERIDIAN

T. 5 N., R. 27 E., sec. 34, SE1/4; containing 160 acres.

¹⁶ F.R. 2897, 3715, 6848.

This order shall be subject to the order of December 18, 1936, of the Secretary of the Interior, establishing Oregon Grazing District No. 7. After the present national emergency has been officially terminated, this order shall be without effect upon notice to the War Department by the Secretary of the Interior that the above-described land is needed for grazing or other uses by the Department of the Interior.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE, December 26, 1941.

[No. 8999]

[F. R. Doc. 41-9767; Filed, December 27, 1941; 9:45 a. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

OREGON

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public land, in the State of Oregon, be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for military purposes:

WILLAMETTE MERIDIAN

T. 4 N., R. 24 E., sec. 22; containing 640 acres.

This order shall be subject to the order of December 18, 1936, of the Secretary of the Interior, establishing Oregon Grazing District No. 7. After the present national emergency has been officially terminated, this order shall be without effect upon notice to the War Department by the Secretary of the Interior that the above-described land is needed for grazing or other uses by the Department of the Interior.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

December 26, 1941.

[No. 9000]

[F. R. Doc. 41-9768; Filed, December 27, 1941; 9:45 a. m.]

EXECUTIVE ORDER

AUTHORIZING THE WAR DEPARTMENT, THE NAVY DEPARTMENT, AND THE UNITED STATES MARITIME COMMISSION TO PERFORM THE FUNCTIONS AND EXERCISE THE POWERS DESCRIBED IN TITLE II OF AN ACT APPROVED DECEMBER 18, 1941, ENTITLED "AN ACT TO EXPEDITE THE PROSECUTION OF THE WAR EFFORT", AND PRESCRIBING REGULATIONS FOR THE EXERCISE OF SUCH FUNCTIONS AND POWERS

The successful prosecution of the war requires an all-out industrial mobilization of the United States in order that the materials necessary to win the war

may be produced in the shortest possible time. To accomplish this objective it is necessary that the Departments of War and the Navy and the United States Maritime Commission cooperate to the fullest possible degree with the Office of Production Management in the endeavor to make available for the production of war material all the industrial resources of the Country. It is expected that in the exercise of the powers hereinafter granted, these Agencies and the Office of Production Management will work together to bring about the conversion of manufacturing industries to war production, including the surveying of the war potential of industries, plant by plant; the spreading of war orders; the conversion of facilities; the assurance of efficient and speedy production; the development and use of subcontracting to the fullest extent and the conservation of strategic materials.

TITLE I

1. By virtue of the authority in me vested by the Act of Congress, entitled 'An Act to expedite the prosecution of the War effort", approved December 18, 1941, (hereinafter called "the Act") and as President of the United States and Commander-In-Chief of the Army and Navy of the United States, and deeming that such action will facilitate the prosecution of the war, I do hereby order that the War Department, the Navy Department, and the United States Maritime Commission be and they hereby respectively are authorized within the limits of the amounts appropriated therefor to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts. The authority herein conferred may be exercised by the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission respectively or in their discretion and by their direction respectively may also be exercised through any other officer or officers or civilian officials of the War or the Navy Departments or the United States Maritime Commission. The Secretary of War, the Secretary of the Navy, or the United States Maritime Commission may confer upon any officer or officers of their respective departments, or civilian officials thereof, the power to make further delegations of such powers within the War and the Navy Departments, and the United States Maritime Commission.

2. The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war, or for the invention, development, or production of, or research concerning any such things, including but not limited to, aircraft,

buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form.

3. The War Department, the Navy Department, and the United States Maritime Commission may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance, progress, and other payments upon such contracts of any percentum of the contract price, and may enter into agreements with contractors and/or obligors, modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds. whenever, in the judgment of the War Department, the Navy Department, or the United States Maritime Commission respectively the prosecution of the war is thereby facilitated. Amendments and modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished hereunder, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract, or the amendments or modifications thereof.

4. Advertising, competitive bidding, and bid, payment, performance or other bonds or other forms of security, need not be required.

TITLE II

Pursuant to Title II of the Act and for the protection of the interests of the United States, I do hereby prescribe the following regulations for the exercise of the authority herein conferred upon the War Department, the Navy Department, and the United States Maritime Commission.

1. All contracts and all purchases made pursuant to the Act and this Executive Order shall be reported to the President of the United States. Such reports shall be made at least quarter-annually, provided, however, that purchases or contracts of less than \$100,000 may be consolidated in such reports with other such purchases and need not be separately set forth. In case the War Department, the Navy Department, or the United States Maritime Commission shall deem any purchase or contract to be restricted, confidential, or secret in its nature by reason of its subject matter, or for other reasons affecting the public interest, such purchases or contracts shall not be included with those described in the report just mentioned, but shall be included in a separate report containing such restricted, confidential, or secret purchases or contracts. The Secretary of War, the Secretary of the Navy, and the United

States Maritime Commission shall make public so much of such reports (other than those reports covering restricted, confidential, or secret contracts or purchases) as they shall respectively deem to be compatible with the public interest.

2. Notwithstanding anything in the Act or this Executive Order the War Department, the Navy Department, and the United States Maritime Commission shall not discriminate in any act performed thereunder against any person on the ground of race, creed, color or national origin, and all contracts shall be deemed to incorporate by reference a provision that the contractor and any subcontractors thereunder shall not so discriminate.

- 3. No claim against the United States arising under any purchase or contract made under the authority of the Act shall be assigned except in accordance with the Assignment of Claims Act, 1940 (Public No. 811, 76th Congress, approved October 9, 1940).
- 4. Advance payments shall be made hereunder only after careful scrutiny to determine that such payments will promote the national interest and under such regulations to that end as the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission may prescribe.
- 5. Every contract entered into pursuant to this order shall contain a warranty by the contractor in substantially the following terms:

The contractor warrants that he has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or, in its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business.

- 6. Nothing herein shall be construed to authorize the cost-plus-a-percentage-of-cost system of contracting.
- 7. Nothing herein shall be construed to authorize any contracts in violation of existing law relating to limitation of profits, or the payment of a fee in excess of such limitation as may be specifically set forth in the act appropriating the funds obligated by a contract. In the absence of such limitation, the fixed fee to be paid the Contractor as a result of any cost-plus-a-fixed-fee contract entered into under the authority of this Order shall not exceed seven per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission, as the case may be).
- 8. No contract or modification or amendment thereof shall be exempt from the provisions of the Walsh-Healey Act (49 Stat. 2036) because of being entered into without advertising or competitive bidding, and the provisions of

such act, the Davis-Bacon Act, as amended (49 Stat. 1011), the Copeland Act, as amended (48 Stat. 948), and the Eight Hour Law, as amended by the Act of September 9, 1940 (Public No. 781, 76th Congress) if otherwise applicable shall apply to contracts made and performed under the authority of this Order.

FRANKLIN D ROOSEVELT THE WHITE HOUSE,

December 27, 1941.

[No. 9001]

[F. R. Doc. 41-9798; Filed, December 29, 1941; 11:11 a. m.]

Rules, Regulations, Orders

TITLE 7-AGRICULTURE

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUST-MENT ADMINISTRATION

PART 802-SUGAR DETERMINATIONS

DETERMINATION OF FARMING PRACTICES TO BE CARRIED OUT IN CONNECTION WITH THE PRODUCTION OF SUGARCANE DURING THE CROP YEAR 1941, FOR THE TERRITORY OF HAWAII, PURSUANT TO THE SUGAR ACT OF 1937, AS AMENDED (REVISED)

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

- § 802.33c Farming practices in connection with the production of the 1941 crop of sugarcane in the Territory of Hawaii—
 (a) Application of fertilizer. The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to a farm in the Territory of Hawaii if fertilizer is applied as follows:
- (1) Amount. There shall be applied to land on which sugarcane is growing during 1941 sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than the greater of either 100 pounds or 60 percent of the average quantity of plant food contained in the chemical fertilizer applied to similar land in 1939 or 1940, whichever is smaller, but any amount by which such 60 percent exceeds 250 pounds shall not be considered.

(2) Acreage requirement. The number of acres on which fertilizer is applied in 1941 shall be not less than 80 percent of the number of acres on the farm on which sugarcane is planted, or a ratoon crop of sugarcane is started, at any time during 1941.

(b) Definitions. "Chemical fertilizer" means commercial chemical fertilizer of which not less than 15 percent of the gross weight consists of plant food. "Plant food" means the aggregate amount of nitrogen, available phosphoric acid and water-soluble potash.

This determination supersedes the "Determination of Farming Practices to be

Carried Out in Connection with the Production of Sugarcane During the Crop Year 1941, for the Territory of Hawaii, Pursuant to the Sugar Act of 1937, as Amended", issued April 8, 1941. (Sec. 302, 50 Stat. 910; 7 U.S.C. 1132)

Done at Washington, D. C., this 27th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD, Secretary of Agriculture.

[F. R. Doc. 41-9792; Filed, December 29, 1941; 10:53 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendments 20-24 to 20-30, incl., Civil Air Regulations]

PART 20-PILOT RATING

AERONAUTICAL SKILL AND EXPERIENCE RE-QUIREMENTS FOR A PILOT CERTIFICATE ON TWO-CONTROL NON-SPINNABLE AIRPLANES WITH NOSE WHEEL TYPE LANDING GEAR

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 23rd day of December 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 1, 1942, Part 20 of the Civil Air Regulations is amended as follows:

- 1. By amending § 20.107 to read as follows:
 - § 20.107 No requirement is prescribed.
- 2. By amending § 20.126 to read as

§ 20.126 Aeronautical experience. Applicant shall have logged at least 35 hours of solo flight time; Provided, That an applicant seeking a rating limited to two-control non-spinnable airplanes with nose wheel type landing gear shall have logged at least 25 hours of solo flight time. As part of the foregoing applicant shall have logged at least 5 hours within the 60 days immediately preceding the date of filing the application, and at least 5 hours of cross-country flying of which at least 3 hours shall be solo, which shall include at least one flight over a course of net less than 50 miles with at least two full-stop landings at different points along the course. Such experience shall be certified to by some person, other than the applicant, having direct knowledge thereof. A graduate of the private pilot course of a certificated flying school will be deemed to have met the above

requirements upon presentation of his certificate of graduation within 30 days thereof.*

3. By adding a sentence between the second and third sentences of § 20.300 to read as follows:

A pilot, other than a student pilot, limited by his certificate or Airman Rating Record to two-control non-spinnable airplanes with nose wheel type landing gear shall have logged a minimum of 35 hours of solo flight time of which at least 10 hours shall have been in three-control airplanes of traditional types and he shall demonstrate his ability to pilot competently such airplanes before such limitation may be removed.

4. By amending paragraph (b) of § 20.56 to read as follows:

§ 20.56 (b) No student pilot shall be certified for cross-country solo flight until after he shall have logged 8 hours solo flight time and his instructor shall have certified on his student pilot certificate, in the space provided therefor, that he deems the student competent to make such flight. No student pilot certified for cross-country solo flights shall make a solo flight outside of the area, within a 50-mile radius of the operating base of his instructor, prescribed in writing by the person directly in charge of the landing area on which the instructor's operating base is located and approved by the local inspector of the Administrator: Provided, That a certificated flying school may prescribe in writing an area within a 100-mile radius of its operating base and, upon approval of said area by the local inspector of the Administrator, a student pilot enrolled in the flight curriculum of said school and certified for cross-country solo flights may fly solo within such area at the direction of said

- 5. By amending § 20.60 by the addition of paragraphs (c) and (d) to read as follows:
- (c) The holder of a valid private, limited commercial or commercial pilot certificate limited by his Airman Rating Record to the operation of aircraft incapable of spinning may pilot spinnable aircraft in accordance with subsection (b) of this section only after receiving dual instruction in spins.
- (d) The holder of a valid private, limited commercial or commercial pilot certificate limited by his Airman Rating Record to the operation of two-control non-spinnable airplanes with nose wheel type landing gear may pilot three-control airplanes of any class or horsepower in accordance with subsection (b) of this section only after receiving 4 hours of dual instruction in three-control airplanes.
- 6. By amending Note 13 to § 20.60 to read as follows:

¹³ This section does not permit a person who by reason of § 20.104 (e) or § 20.127 (f) has been limited to the operation of a particular make or model of aircraft or a general type

of aircraft to operate other makes or models or other general types.

- 7. By adding a new § 20.6100 to read as follows:
- § 20.6100 Requirement for first solo—
 (a) Three-control airplanes of traditional type. No first solo flight shall be made by a student pilot in a three-control airplane of traditional type until he shall have had a minimum of 8 hours of dual instruction in such aircraft, including recovery from spins and stalls.
- (b) Non-spinnable three-control airplanes. No first solo flight shall be made by a student pilot in a non-spinnable three-control airplane until he shall have had a minimum of 8 hours of dual instruction in three-control airplanes. Instruction in spins is not required.
- (c) Two-control non-spinnable airplanes with nose wheel type landing gear. No first solo flight shall be made by a student pilot in a two-control non-spinnable airplane with nose wheel type landing gear until he shall have had a minimum of 5 hours of dual instruction in such airplanes.

In addition to meeting the requirements contained in (a), (b) or (c) above a student pilot shall not make a first solo flight unless his instructor deems him competent to make such flight and so certifies on the student pilot certificate in the space provided therefor.

8. By adding a new § 20.6101 to read as follows:

§ 20.6161 Solo flight restrictions after first solo. Upon completion of a student pilot's first solo flight his instructor shall make a notation to that effect on the student pilot certificate together with a statement of the date, the type, and in the case of an airplane, the airplane class and horsepower range of the aircraft so flown. If such solo flight is made either in a two-control non-spinnable airplane with nose wheel type landing gear or in a three-control airplane determined to be characteristically incapable of spinning, the instructor shall also make an appropriate notation to that effect. Thereafter:

- (a) If such first solo flight was made in a three-control airplane of traditional type the student shall not solo aircraft of a different type, class or horsepower range until such time as his instructor shall deem him competent to fly such other aircraft solo, and shall have made a notation to that effect on his certificate, together with the date, type, and in the case of an airplane, the class and horsepower range.
- (b) If such first solo flight was made in a three-control airplane determined to be characteristically incapable of spinning, such pilot shall be subject to the limitations of paragraph (a) above, and in addition he shall not solo an airplane characteristically capable of spinning until after he shall have received dual instruction in spins, and a

notation to that effect has been made on his Airman Rating Record.

(c) If such first solo flight was made in a two-control non-spinnable airplane with nose wheel type landing gear such pilot shall be subject to the limitations of paragraphs (a) and (b) above, and in addition, prior to flying solo a three-control airplane, shall have received a minimum of 4 hours of dual instruction in such airplanes.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN.

Secretary.

[F. R. Doc. 41-9808; Filed, December 29, 1941; 11:45 a. m.]

[Amendment 50-3, Civil Air Regulations]
PART 50—FLYING SCHOOL RATING

PRIVATE PILOT FLIGHT CURRICULUM REQUIRE-MENTS FOR TWO-CONTROL NON-SPINNABLE AIRPLANES WITH NOSE WHEEL TYPE LAND-ING GEAR

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 23d day of December 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 265 (a), 601 and 607 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 1, 1942, Part 50 of the Civil Air Regulations is amended as follows:

By amending § 50.20 to read as follows:

§ 50.20 Private pilot flight curriculum. Private pilot flight curriculum shall be satisfactory to the Administrator and shall consist of not less than 35 hours of flying time: Provided, That if the curriculum provides for training in only two-control non-spinnable airplanes with nose wheel type landing gear it shall consist of not less than 25 hours of flying time

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,

Secretary.

[F. R. Doc. 41-9809; Filed, December 29, 1941; 11:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES
CHAPTER I—FEDERAL TRADE
COMMISSION

[Docket No. 4134]
PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF CHAMPION BATTERY COMPANY, ETC.

§ 3.69 (a) Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrange-

ments with others: § 3.69 (a) Misrepresenting oneself and goods-Business status, advantages or connections-Operations as special or other advertising: § 3.69 (b) Misrepresenting oneself and goods-Goods-Source or origin-Maker: § 3.69 (c10) Misrepresenting oneself and goods-Promotional sales plans. In connection with offer, etc., in commerce, of any sales promotion plan, glassware, china, batteries, or other merchandise, and among other things, as in order set forth, representing (1) that respondents' business is in any way connected with, or that respondents represent, Ball Brothers Company, the Champion Spark Plug Company, or any other business with which respondents have no such connection or which respondents have no authority to represent; (2) that merchandise offered for sale, or sold, in connection with, or separately from, a sales promotion plan is the product of, or manufactured by, any concern other than the actual producer or manufacturer; and (3) that respondents are conducting any advertising or other campaign to introduce or sell any article or articles of merchandise for or on behalf of any manufacturer or other concern when such campaign is not in fact being conducted at the instance of and on behalf of such manufacturer or other concern; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, etc., Docket 4134, December 18, 1941]

§ 3.69 (b) Misrepresenting oneself and goods-Goods-Sample, offer or order conformance: § 3.69 (b) Misrepresenting oneself and goods-Goods-Undertakings, in general: § 3.69 (c10) Misrepresenting oneself and goods-Promotional sales plans: § 3.72 (m10) Offering deceptive inducements to purchase-Sample, offer or order conformance: § 3.72 (p) Offering deceptive inducements to purchase-Undertakings in general. In connection with offer, etc., in commerce, of any sales promotion plan, glassware, china, batteries, or other merchandise, and among other things, as in order set forth, representing (1) in any manner that respondents will furnish to purchasers of any sales promotion plan quantities of merchandise greater than the quantities actually furnished; and (2) by the use of purported samples, or otherwise, that the merchandise offered for sale, or sold, by respondents is of a quality or value different from the actual quality or value thereof; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, etc., Docket 4134, December 18. 19411 -

§ 3.55 Furnishing means and instrumentalities of misrepresentation or deception: § 3.69 (b) Misrepresenting oneself and goods—Goods—Free goods: § 3.69 (b) Misrepresenting oneself and goods—Goods—Terms and conditions:

§ 3.69 (c10) Misrepresenting oneself and goods-Promotional sales plans: § 3.72 (e) Offering deceptive inducements to purchase-Free goods: § 3.72 (n10) Offering deceptive inducements to purchase-Terms and conditions. In connection with offer, etc., in commerce, of any sales promotion plan, glassware, china, batteries, or other merchandise, and among other things, as in order set forth, (1) representing, or supplying to others the means of representing, that articles of merchandise, the cost of which is included in the purchase price of other merchandise in combination with which such articles are offered, are "free", either by the use of the term stated or any other term or terms of similar import or meaning; and (2) representing that respondents will redeem gift certificates without further cost or obligation to the purchasing dealer or his customers or upon any other terms and conditions different from the actual terms and conditions upon which such certificates will be redeemed; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, etc., Docket 4134, December 18, 19411

§ 3.69 (c10) Misrepresenting oneself and goods-Promotional sales plans: § 3.96 (a) Using misleading name-Goods-Source or origin-Maker: § 3.96 (b) Using misleading name-Vendor-Connections and arrangements with others: § 3.96 (b) Using misleading name-Vendor-Identity. In connection with offer, etc., in commerce, of any sales promotion plan, glassware, china, batteries, or other merchandise, and among other things, as in order set forth, using the word "Ball", the word "Champion", or any simulations thereof, as a part of any trade or other name or names without clearly and unequivocally disclosing that respondents are not in any way connected with Ball Brothers Company of Muncie, Indiana, or the Champion Spark Plug Company of Toledo, Ohio, respectively, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, etc., Docket 4134, December 18, 1941]

In the Matter of D. J. Bortz and Edith Bortz, Individually and Trading as Champion Battery Company and The Ball Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of December, A. D. 1941.

This proceeding having been heard' by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly des-

It is ordered, That the respondents Donald J. Bortz and Edith Bortz, individually and trading as Champion Battery Company or as The Ball Company, or under any other name, jointly or severally, their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of any sales promotion plan, glassware, china, batteries, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or by implication:

(1) Representing that respondents' business is in any way connected with, or that respondents represent, Ball Brothers Company, the Champion Spark Plug Company, or any other business with which respondents have no such connection or which respondents have no authority to represent;

(2) Representing that merchandise offered for sale, or sold, in connection with, or separately from, a sales promotion plan is the product of, or manufactured by, any concern other than the actual producer or manufacturer;

(3) Representing in any manner that respondents will furnish to purchasers of any sales promotion plan quantities of merchandise greater than the quantities actually furnished;

(4) Representing by the use of purported samples, or otherwise, that the merchandise offered for sale, or sold, by respondents is of a quality or value different from the actual quality or value thereof:

(5) Representing that respondents are conducting any advertising or other campaign to introduce or sell any article or articles of merchandise for or on behalf of any manufacturer or other concern when such campaign is not in fact being conducted at the instance of and on behalf of such manufacturer or other concern:

(6) Representing, or supplying to others the means of representing, that articles of merchandise, the cost of which is included in the purchase price of other merchandise in combination with which such articles are offered, are "free", either by the use of the term stated or any other term or terms of similar import or meaning;

(7) Representing that respondents will redeem gift certificates without further cost or obligation to the purchasing dealer or his customers, or upon any other terms or conditions different from the actual terms and conditions upon which such certificates will be redeemed;

ignated by it, report of the trial examiner and exceptions thereto, and brief filed in support of the complaint (no brief having been filed in opposition and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

¹⁵ F.R. 4341.

(8) Using the word "Ball," the word "Champion," or any simulations thereof, as a part of any trade or other name or names without clearly and unequivocally disclosing that respondents are not in any way connected with Ball Brothers Company of Muncie, Indiana, or the Champion Spark Plug Company of Toledo, Ohio, respectively.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

Joe L. Evins, Acting Secretary.

[F. R. Doc. 41-9778; Filed, December 27, 1941; 11:19 a m.]

TITLE 22—FOREIGN RELATIONS CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER C-NEUTRALITY

PART 171—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, ETC.

Section 171.3 of the regulations governing the international traffic in arms, issued on November 6, 1939 (4 F.R. 4512; 22 CFR, Supp., 1939) and amended on October 2, 1941 (6 F.R. 5085) pursuant to the authority vested in the Secretary of State by the provisions of section 12 of the joint resolution of Congress, approved November 4, 1939 (54 Stat. 10; 22 U.S.C., 1940 ed., 452), is hereby amended to read as follows:

§ 171.3 Certificate of registration. Upon receipt of an application for registration and the appended certificate of registration duly filled out and accompanied by a registration fee of \$100, the Secretary of State will return to the applicant, as a receipt, the certificate of registration, duly signed and sealed. (Sec. 12, 54 Stat. 10; 22 U. S. C. 452, 1940 ed.) [Part III, (3)]

[SEAL]

CORDELL HULL, Secretary of State.

DECEMBER 23, 1941.

[F. R. Doc. 41-9790; Filed, December 29, 1941; 10:40 a. m.]

TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1219]

Part 336—Minimum Price Schedule, District No. 16

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT EOARD NO. 16 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR

TRUCK SHIPMENT, OF THE NEW GORHAM MINE IN DISTRICT NO. 16

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the New Gorham Mine, operated by code members Nick Babich and E. V. Peltzer, in District No. 16; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the aboveentitled matter; and The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered. That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 336.21 (General prices) in the Schedule of Effective Minimum Prices for District No. 16, For All Shipments, is amended to include, for the coals in their respective size groups, for truck shipments, produced at the New Gorham Mine (Mine Index No. 149), of code member Nick Babich and E. V. Peltzer, located in Boulder County, Colorado, in Subdistrict Price Group No. 7. in District No. 16, the following effective minimum prices f. o. b. the mine in cents per net ton:

Size groups 1 2 3 4 5 6 8 9 10 11 12 13 Prices 455 405 405 430 405 385 340 265 215 205 185 350

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 24, 1941.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 41-9797; Filed, December 29, 1941; 10:57 a. m.]

[Docket No. A-912]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 22 FOR REVISION OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 22 FOR ALL SHIPMENTS TO PERMIT CERTAIN CODE MEMBERS IN DISTRICT NO. 22 TO EXCHANGE AT CERTAIN PRICES 1½" SLACK FOR MINE RUN AND PREPARED COAL FOR LOCOMOTIVE FUEL USE

A petition having been filed with the Bituminous Coal Division by District Board 22, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that temporary and permanent relief be granted by the establishment of a price exception to the Schedule of Effective Minimum Prices for District No. 22 for All Shipments to permit certain code members in District 22 to exchange their prepared coals with the Republic Coal Company, a code member producer in District 22, for 1¼" x 0 slack

on the basis of one ton of the prepared coals for two tons of slack;

A hearing in this matter having been held on August 18, 19, 20, and 21, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Billings, Montana, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith:

Now, therefore, it is ordered. That \$ 342.1 (Price instructions and exceptions) in the Schedule of Effective Minimum Prices for District No. 22 for All Shipments be and it hereby is amended to include the following price exception:

Coal produced at the Roundup No. 3 Mine (Mine Index No. 13) of the Roundup Coal Mining Company in Subdistrict 1, and at the Prescott Mine (Mine Index No. 11) of the Bair Collins Company in Subdistrict 1, with a top size not larger than 9" and a bottom size not smaller than 11/4" may be sold to the Republic Coal Company for use by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at a price of \$2.20 per net ton f. o. b. the mine. Coal produced at the Klein No. 2 Mine (Mine Index No. 8) of the Republic Coal Company in Subdistrict 1 in Size Group No. 10 (11/4" x 0) may be sold to the Roundup Coal Mining Company and the Bair Collins Company at \$1.10 per net ton f. o. b. the mine.

It is further ordered, That the prayer for relief contained in the petition filed herein be granted to the extent set forth above and in all other respects denied.

Dated: December 27, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9796; Filed, December 29, 1941; 10:57 a. m.]

TITLE 31-MONEY AND FINANCE: TREASURY

CHAPTER I-MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EX-ECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 78 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PUR-SANT THERETO, RELATING TO TRANSAC-TIONS IN FOREIGN EXCHANGE, ETC.

DECEMBER 26, 1941.

§ 131.78 General License No. 78. A general license is hereby granted licensing any transaction which is prohibited by the Order solely by reason of the fact that it involves property in which Hong Kong, or any national thereof, has at any time prior to December 25, 1941, but not on or since December 25, 1941, had any interest.

This general license shall not be deemed to authorize any transaction, if (i) such transaction is by, or on behalf of, or pursuant to the direction of Hong Kong, or any national thereof, or (ii) such transaction involves property in which Hong Kong, or any national thereof, has at any time on or since December 25, 1941, had any interest. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] D. W. Bell,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9301; Filed, December 29, 1941; 11:14 a.m.]

PART 131—GENERAL LICENSES UNDER EX-ECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PUBLIC CIRCULAR NO. 10, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PUR-SUANT THERETO, RELATING TO TRANSAC-TIONS IN FOREIGN EXCHANGE, ETC.

DECEMBER 26, 1941.

- 1. General License No. 57 is hereby revoked
- 2. The offices within Hong Kong and occupied China of banks named in Schedule A of General License No. 58, shall, as of the date hereof, cease to be appointed banks, and, as of the date hereof, such offices shall also cease to be generally licensed nationals within the meaning of General Licenses Nos. 59, 60, or 61, and such general licenses are to such extent hereby revoked.
- 3. General License No. 13 is hereby amended in the following respects:
- (a) The word "Hong Kong" is deleted from subdivision (a) of paragraph (1) thereof; and
- (b) The words "Hong Kong" and "Penang" are deleted from subdivision (b) of paragraph (1) thereof.

- 4. Subparagraph (a) of paragraph (3) of General License No. 53 is hereby amended in the following respects:
- A semicolon is substituted for the period at the end of item (x) thereof;
- (2) The following proviso to all of the provisions of subparagraph (a) is added at the end thereof:

Provided, however, That the term "generally licensed trade area" shall not include any territory which is controlled or occupied by the military, naval or police forces or other authority of Japan, Germany, or Italy, or allies thereof.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] D. W. Bell,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9800; Filed, December 29, 1941; 11:14 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUC-TION MANAGEMENT

SUBCHAPTER B-PRIORITIES DIVISION

PART 937-ZINC

Extension of General Preference Order No. M-11 as Amended June 28, 1941 and October 16, 1941

Section 937.1 (General Preference Order No. M-11 as Amendéd June 28, 1941 and October 16, 1941) is hereby extended, to expire on March 31, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of December 1941.

DONALD M. NELSON, Director of Priorities.

[F. R. Doc. 41-9772; Filed, December 27, 1941; 10:01 a. m.]

PART 940—RUBBER AND PRODUCTS AND MA-TERIALS OF WHICH RUBBER IS A COM-PONENT

Amendment No. 2 to Supplementary Order No. M-15-b, to Restrict the Use of Rubber

It is hereby ordered, That:

Section 940.3 (Supplementary Order No. $M-15-b^2$) is amended as follows:

1. By changing subparagraph (b) (6) to read as follows:

¹6 F.R. 2857, 3179, 5290. ²6 F.R. 6406.

- (6) To manufacture heels made of black or brown composition rubber only, soles, taps and soling strips made of black composition rubber only, and rubberized fabrics, innersoles, midsoles, fillers and backing cloths to be incorporated in shoes and other footwear.
- 2. By inserting immediately after subparagraph (b) (13) thereof the following new sub-paragraph designated (b) (14):
- (14) To manufacture fire hose and other essential items for fire extinguishing apparatus.
- 3. By substituting "(14)" for "(13)" in the proviso immediately following subparagraph (b) (14) thereof.

This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4469; O.P.M. Reg. 3 amended, Sept. 2, 1941, 6 F.R. 4863; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; Sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of December 1941.

Donald M. Nelson,

Director of Priorities.

[F. R. Doc. 41-9773; Filed, December 27, 1941; 10:03 a. m.]

PART 940—RUBBER AND PRODUCTS AND MA-TERIALS OF WHICH RUBBER IS A COM-PONENT

Supplementary Order No. M-15-c To Restrict Transactions in New Rubber Tires, Casings, and Tubes

Whereas the further importation of crude rubber is imperiled, and

Whereas by Executive Order No. 8629 of January 7, 1941 and Executive Order No. 8875 of August 28, 1941 the Office of Production Management has been created and charged with certain authority and duties with regard to defense and civilian supply, priorities and allocations, and

Whereas by Executive Order 8734 of April 11, 1941 the Office of Price Administration has been created and charged with certain authority and duties with regard to consumer protection, price control, and the prevention of price spiraling,

Now, therefore, by virtue of the authority vested in the Office of Production Management by the aforementioned Executive Orders 8629 and 8875, and in order better to enable the Office of Price Administration to perform the duties with which it is charged under the aforementioned Executive Order 8734,

It is hereby ordered. That:

§ 940.4 Supplementary Order M-15-c-(a) Delegation of authority to Office of Price Administration. In addition to the powers expressly vested in the Office of Price Administration elsewhere in this Order, the Office of Price Administration is hereby authorized to exercise, in the

administration of this order, the powers of the Office of Production Management with respect to:

- (1) The granting of exceptions and exemptions.
 - (2) The interpretation of this Order,(3) The prescribing of forms for re-
- (4) The prescribing of requirements with respect to the keeping of records,
- (5) The making of audits, inspections, and investigations, and
- (6) The amendment of this Order in the following respects:
- (i) Amendment of paragraph (c) by changing the types of persons or tires included in or excluded from paragraph
 (c) and List "A" therein referred to;
- (ii) Amendment of paragraph (d) by changing the method of fixing quotas;
- (iii) Amendment of paragraphs (e), (f), (i), (j), and (k) in any manner, with respect to the present subject matter thereof; and
- (iv) Any other amendments of this Order made necessary by the changes specifically authorized above.

Power to revoke this Order and to make amendments other than those hereby authorized is reserved in the Office of Production Management. Subject to the terms of this Order, the Office of Price Administration may exercise the authority and duties hereby delegated to it, through such departments, agencies, officers or employees of the United States or any State as it is or may be hereafter authorized to utilize, and in conformity with Rationing Regulation No. 1 and such other amendatory or supplementary rules and regulations as it may prescribe.

- (b) Definitions. For the purposes of this Order:
- (1) "Person" means any individual, partnership, corporation, association, government agency or subdivision, or other form of enterprise.
- (2) "Rubber" means compounded liquid latex which on December 11, 1941 had not been processed or mixed in such manner that further processing is necessary to prevent early spoilage, and all forms and types of crude rubber and liquid latex in crude form, and all forms of reclaimed rubber and scrap rubber as well, but does not include balata, gutta percha, gutta siak, gutta jelutong, and pontianac.
- (3) "Tire," "Casing," and "Tube" means any tire, casing, and tube capable of being used on any automobile, truck, bus, motorcycle or farm implement.
- (4) "New" as applied to tires, casings, and tubes, means a tire, casing or tube that has been used less than 1,000 miles.
- (c) Prohibition on deliveries of new rubber tires, casings, and tubes except to persons possessing certificates. (1) Except as provided in this paragraph and in paragraphs (g) and (h) hereof, or in regulations hereafter issued by the Office of Price Administration, no person shall

- sell, lease, trade, lend, deliver, ship, or transfer new rubber tires, casings, or tubes, and no person shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any such new rubber tires, casings, or tubes. (The provisions of this paragraph shall apply to all new rubber tires, casings, and tubes, whether such new rubber tires, casings, and tubes are at the date of issuance of this Order already manufactured, or whether such new rubber tires, casings, and tubes are manufactured in the future,)
- (2) Except as provided in subparagraphs (3) and (4) of this paragraph (c), a person selling new rubber tires, casings or tubes at a retail store, outlet, or premises, which for purposes of this Order shall mean a store, outlet or premises from which transfers or deliveries are made predominantly direct to consumers, may sell, lease, trade, lend, deliver, ship or transfer any new rubber tire, casing, or tube from such premises to a person possessing a certificate authorizing such purchase issued by the Office of Price Administration.
- (3) Except as provided in paragraphs (f) and (g), no person (even upon the presentation of a certificate) shall sell, lease, trade, lend, deliver, ship or transfer any new six-ply or eight-ply rubber tires or casings of a size less than 7:00 x 20.
- (4) Except as provided in paragraphs (g) and (h) hereof, or in regulations hereafter issued by the Office of Price Administration, no person shall sell, lease, trade, lend, deliver, ship or transfer new rubber tires, casings or tubes from a factory or warehouse or other premises not constituting a retail store, outlet or premises, even upon the presentation of a certificate, provided that a person selling exclusively to consumers, and only such a person, may transfer, or ship to his own retail premises. Authorization to make sales, leases, trades, loans, deliveries, shipments or transfers prohibited by this subparagraph (c) (4) may hereafter be granted by the Office of Price Administration. The purpose of such authorization, when granted will be to enable dealers to replenish their inventories of new rubber tires, casings, and tubes, and in order to accomplish that purpose, permitted shipments to dealers will be based upon certificates and receipts issued pursuant to paragraphs (e), (f), and (g) of this order and held by such dealers as evidence that new rubber tires, casings, and tubes have been sold pursuant to this Order.
- (5) Anything in this paragraph (c) to the contrary notwithstanding, any dealer regularly engaged in selling new rubber tires, casings, and tubes exclusively at retail may, on and after January 5, 1942, sell such tires, casings, and tubes (without certificates) to another dealer, to the Reconstruction Finance Corporation, to the Rubber Reserve Corporation, to the Procurement Division of the United States Treasury, or (with the express approval of the Office of Price

- Administration) to a manufacturer of new rubber tires, casings, or tubes.
- (6) Anything in this paragraph (c) to the contrary notwithstanding, any common carrier which on December 11, 1941 was in possession of shipments of new rubber tires, casings, and tubes consigned to a consignee may (without certificates) deliver such tires, casings, and tubes to such consignee.
- (d) Provision for allocation of certificates among the states and counties. The Office of Price Administration shall set state by state quotas of permissible sales of new rubber tires, casings, and tubes, except that tires sold pursuant to paragraphs (f), (g), and (h) of this order shall not be included in such quotas. Each state's quota shall be divided among the counties of that state, and may be further subdivided if necessary, the method of division to be specified by the Office of Price Administration. These state and county quotas shall be announced from time to time, and shall be based upon registration of commercial vehicles, adjusted for such factors as the Office of Price Administration may consider necessary.
- (e) Acquisition of new rubber tires, casings, and tubes by persons in the categories enumerated in List A attached hereto. Any person who believes that the vehicle for which he wishes to acquire new rubber tires, casings, or tubes is included in one of the categories enumerated in List A attached hereto may apply to the Office of Price Administration for a certificate permitting him to purchase, lease, trade, borrow, or accept delivery, shipment or transfer of new rubber tires, casings, or tubes. Such permission may be granted by the Office of Price Administration upon a showing by the applicant of the following facts:
- (1) That the vehicle on which the new rubber tire, casing, or tube is to be mounted is included in one of the categories enumerated in List A, and thus constitutes an "eligible" vehicle.
- (2) That the vehicle on which the new rubber tire, casing, or tube is to be mounted cannot be replaced by a vehicle owned or operated by or subject to the control of the applicant, which is equipped with serviceable tires and tubes and which is not fully employed for a use specified in one or more of the categories enumerated in List A.
- (3) That the new rubber tire, casing, or tube is to be installed at once on a wheel or rim, to replace a tire, casing or tube no longer serviceable.
- (4) That the tire, casing, or tube, when added to all other tires, casings, and tubes in the applicant's possession, whether unmounted or mounted on a vehicle, and when that total is applied only to eligible vehicles, does not add up to more than one spare tire, casing or tube of a given size for each eligible vehicle
- (5) That the existing tire, casing, or tube cannot be recapped, retreaded or

repaired for safe use at speeds at which the applicant may reasonably be expected to operate, or that such recapping, retreading or repairing cannot be obtained without inordinate delay.

(6) That the applicant agrees to trade in replaced tires, casings, and tubes on new tires, casings, and tubes purchased under this Order, or to dispose of replaced tires, casings, and tubes as may otherwise be directed by the Office of Price Administration.

Upon being satisfied that all of these facts exist, the Office of Price Administration may issue to the applicant a certificate stating the number and type of new rubber tires, casings, and tubes which the applicant is authorized to acquire. Such certificate shall be recognized by any person having new rubber tires, casings, or tubes for sale, and no sale, lease, trade, loan, delivery, shipment or transfer of new rubber tires, casings, or tubes (except as provided in paragraphs (c), (g), and (h) hereof) shall be made except on the basis of such a certificate.

(f) Acquisition of "obsolete" type new rubber tires, casings, and tubes. Any person wishing to acquire "obsolete" type new rubber tires, casings, or tubes may apply to the Office of Price Administration for permission to purchase, lease, trade, borrow, or accept delivery, shipment or transfer of such "obsolete" type new rubber tires, casings, or tubes. Such permission may be granted by the Office of Price Administration upon a showing by the applicant of items (3) and (6) of paragraph (e) hereof. Upon being satisfied that all of the facts required by items (3) and (6) exist, the Office of Price Administration may issue to the applicant a certificate stating the number and types of "obsolete" type new rubber tires, casings, and tubes which the applicant is authorized to acquire. Such certificate shall be recognized by any person having "obsolete" type new rubber tires, casings, or tubes for sale, and no sale, lease, trade, loan, delivery, shipment, or transfer of "obsolete" type new rubber tires, casings, or tubes (except as provided in paragraphs (c), (g), and (h) hereof) shall be made except on the basis of such a certificate.

As here used, the word "obsolete" refers to tires, casings, and tubes of the following sizes, and no others:

world many disco, to	THE THE COLLECT
525-19.	450-21.
525-550-19.	475-21.
550-19.	500-21.
600-19.	525-21.
600-650-19.	600-21.
650-19.	650-21.
700-19.	700-21.
750-19.	500-22.
450-20.	600-22.
475-20.	750-14.
450-475-500-20.	30 x 3.
500-20.	30 x 3 1/2.
525-20.	31 x 4.
550-20.	32 x 4.
600-20.	33 x 4.
600-650-20.	32 x 41/2.
650-20.	33 x 41/2.
440-450-21.	34 x 41/2.
440_91	The Contract of the Contract o

(g) Sales to the Army, Navy, designated governments, and designated gov-

ernmental agencies. Nothing in this order shall prevent any person from making a sale, lease, trade, loan, delivery, shipment or transfer of new rubber tires, casings, or tubes (without certificates) to or for the account of the following:

- (1) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;
- (2) The government of any of the following countries: the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;
- (3) The government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to a contract or order placed by any agency of the United States Government under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act.)
- (4) Any person holding an A-3 or higher preference rating for such new rubber tires, casings, or tubes, issued on a PD-3 certificate: *Provided*, That the person holding such preference rating shall also possess a signed statement from the official who countersigned such PD-3 certificate to the effect that the vehicle on which the new rubber tires, casings, or tubes are to be used, was, during the six months period preceding the issuance of the statement, engaged to the extent of 75 per cent or more in work done for the Army or Navy of the United States.

Any person, government, or governmental agency acquiring a new rubber tire, casing, or tube, under this paragraph (g) shall execute and deliver to the person from whom such tires, casings, or tubes was acquired a receipt evidencing the transaction, the receipt to be in such form as the Office of Price Administration may direct.

- (h) Sales of new rubber tires, casings, and tubes as part of the original equipment of new vehicles. Nothing in this order shall prevent any person from selling new rubber tires, casings, or tubes (without certificates) as part of the original equipment (excluding spares) of new vehicles, provided that such tires, casings, or tubes, are affixed to such vehicles at the time of their sale, and that such sale is not prohibited by the terms of any other order of the Office of Production Management.
- (i) Records. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales of new rubber tires, casings, and tubes, including sales cov-

ered by paragraphs (c), (g), and (h) of this order.

- (j) Audit and inspection. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Price Administration.
- (k) Reports. All persons affected by this order shall make such reports as may from time to time be required by the Office of Price Administration and the Office of Production Management, including Dealers Report of Stocks of New Tires and Tubes on Hand on December 12, 1941 (PD-216), required to be mailed not later than December 31, 1941.
- (1) Violations. Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept of information to be furnished pursuant to this order may be prohibited by the Office of Price Administration from receiving further deliveries of any new rubber tires, casings, or tubes. Such further action may be taken by the Office of Price Administration as it is deemed appropriate, including a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80). and a recommendation to the Office of Production Management that the violator be prohibited from receiving further deliveries of any other material subject to allocation.
- (m) Inapplicability of Priorities Regulation 1. Except to the extent that such provisions are set out herein or in regulations issued hereunder, the provisions of Priorities Regulation 1 and of any other regulations heretofore or hereafter issued by the Office of Production Management shall not apply to this order.
- (n) Effective date. This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of December 1941.

*Donald M. Nelson,

Director of Priorities.

Approved:

WILLIAM KNUDSEN,
Director General.

Approved:

SIDNEY HILLMAN,
Associate Director General.

Approved:

ROBERT P. PATTERSON, Under Secretary of War.

Approved:

James V. Forrestal, Under Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT

The White House.

Date: December 26, 1941.

LIST A-ELIGIBILITY CLASSIFICATION

LIST OF VEHICLES WHICH MAY BE EQUIPPED WITH NEW RUBBER TIRES, CASINGS, OR

No certificate shall be issued unless the applicant for the certificate certifies that the tire, casing or tube for which application is made is to be mounted:

(a) On a vehicle which is operated by a physician, surgeon, visiting nurse, or a veterinary, and which is used principally for professional services.

(b) On an ambulance.

- (c) On a vehicle used exclusively for one or more of the following purposes:
 - (1) To maintain fire fighting services;
- (2) To maintain necessary public police services;
- (3) To enforce such laws as relate specifically to the protection of public health and safety:
- (4) To maintain garbage disposal and other sanitation services;
 - (5) To maintain mail services.
- (d) On a vehicle with a capacity of ten or more passengers, operated exclusively for one or more of the following pur-
- (1) Transportation of passengers as part of the services rendered to the public by a regular transportation system;

(2) Transportation of students and

teachers to and from school;

- (3) Transportation of employees to or from any industrial or mining establishment or construction project, except when public transportation facilities are readily available.
- (e) On a truck operated exclusively for one or more of the purposes stated in the preceding sections or for one or more of the following purposes:
 - (1) Transportation of ice, and of fuel;
- (2) Transportation of material and equipment for the building and maintenance of public roads:
- (3) Transportation of material and equipment for the construction and maintenance of public utilities:
- (4) Transportation of material and equipment for the construction and maintenance of production facilities;
- (5) Transportation of material and equipment for the construction of defense housing facilities and military and naval establishments:
- (6) Transportation essential to render roofing, plumbing, heating and electrical repair services;
- (7) Transportation by any common carrier:
- (8) Transportation of waste and scrap materials;
- (9) Transportation of raw materials, semi-manufactured goods, and finished products, including farm products and foods, provided that no certificate shall be issued for a new tire, casing, or tube to be mounted on a truck used (a) for the transportation of commodities to the

ultimate consumer for personal, family or household use; or (b) for transportation of materials for construction and maintenance except to the extent specifically provided by subsections (2), (3), (4), (5), and (6) of this section (e).

(f) On farm tractors or other farm implements, other than automobiles or trucks, for the operation of which rubber tires, casings or tubes are essential.

(g) On industrial, mining, and construction equipment, other than automobiles or trucks, for the operation of which rubber tires, casings, or tubes are essen-

RATIONING REGULATION No. 1

This Rationing Regulation is issued pursuant to Supplementary Order No. M-15-c of the Office of Production Management, issued December 27, 1941.

- 1. The Office of Price Administration may exercise through local tire rationing boards such of the powers vested in it pursuant to Supplementary Order No. M-15-c of the Office of Production Management as it may deem necessary or desirable, including, without limitation on the foregoing, the following powers:
- (a) The power to determine whether a given applicant is an eligible purchaser;
- (b) The power to determine which of the eligible applicants shall receive tires, up to the quota allotted to the local board.
- 2. Each such local board shall consist of three members, and shall be called the Local Tire Rationing Board.
- 3. Members of Local Tire Rationing Boards shall be appointed by the Office of Price Administration, and shall hold their positions as agents of the Office of Price Administration.
- 4. In appointing members of Local Tire Rationing Boards, the Office of Price Administration may, in its discretion, be guided by the recommendations of State and Local Defense Councils, and may also, in its discretion, appoint as members of such boards state and local officials.
- 5. Subject to such exceptions as the Office of Price Administration may make, there shall be at least one Local Tire Rationing Board in every county of the United States, and in those counties where (in the opinion of the Office of Price Administration) density of population or other factors makes it impossible for one Board adequately to administer the functions contemplated by Order No. M-15-c, there shall be as many Local Tire Rationing Boards as the Office of Price Administration may consider necessary for the adequate performance of such functions.
- 6. Further provisions governing the establishment and operation of Local Tire Rationing Boards may be issued by the Office of Price Administration from time to time, provided that such provi-

sions shall be consistent with paragraph 3 of this regulation.

[F. R. Doc. 41-9788; Filed, December 27, 1941; 12:17 p. m.]

PART 962-STEEL

Supplementary Order M-21-d-Corrosion and Heat Resistant Chrome Steel

Whereas the National Defense requirements, coupled with the threat to supply created by the war in the Pacific Ocean, have created a shortage of chromium for defense for private account and for export, and further conservation measures have become necessary.

Now, therefore, it is hereby ordered,

- § 962.5 Supplementary Order M-21d—(a) Restrictions on deliveries, use, etc. From the date of issuance of this Order until otherwise ordered by the Office of Production Management, no person shall consume, use, process, fabricate, or deliver corrosion or heat resistant alloy iron or alloy steel containing 4 percent or more of chromium except in accordance with the following:
- (1) The above prohibition shall not apply to material to be delivered by the holder on a preference rating of A-10 or
- (2) The above prohibition shall not apply to fully fabricated articles. It shall apply to raw steel stock in the form received, or cut to size for further processing or fabrication.
- (3) During the ten days immediately following the date of issuance of this Order, a person other than a Producer may consume, use, process, fabricate, or deliver such material to an amount not greater than one-third of such person's consumption, use, processing, fabrication, or delivery during the month of December 1940.
- (b) Reports. Each person having ownership or possession of corrosion or heat resistant alloy iron or alloy steel containing 4 percent or more of chromium and subject to the prohibitions of paragraph (a) shall file with the Iron and Steel Branch, Office of Production Management, Washington, D. C., Ref: M-21-d, on or before January 15, 1942, a report on Form PD-221: Provided, however, That the provisions of this paragraph shall not apply to warehouses filing reports pursuant to Supplementary Order M-21-b.
- (c) Violations. Any person who violates this Order may be deprived of priorities assistance or may be prohibited by the Office of Production Management from obtaining any further deliveries of materials subject to allocation. The Office of Production Management may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S. C.

(d) Appeal. Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, or would result in a serious problem of unemployment in the community, or would disrupt or impair a program of conversion from nondefense to defense work may appeal to the Office of Production Management by addressing a letter to the Iron and Steel Branch. Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Office of Production Management may thereupon take such action as it deems appropriate.

(e) Effective date. This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of December 1941.

Donald M. Nelson,

Director of Priorities.

[F. R. Doc. 41-9770; Filed, December 27, 1941; 10:00 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

General Imports Order M-63 To Conserve the Supply and Direct the Distribution of Designated Materials in Which Shortages Exist and Which Are Imported

Whereas War requirements have created a shortage of the materials hereinafter set forth for defense, essential civilian and other uses; such materials are imported and due to the uncertainties of transportation in wartime the restrictions upon the disposition of such materials hereinafter set forth are necessary to prevent dispersion of such materials and to direct the distribution thereof in such manner as to satisfy war and essential civilian needs;

Now therefore, it is hereby ordered,

- § 1042.1 General Imports Order M-63—(a) Definitions. For the purposes of this Order:
- (1) "Strategic material" means any material listed in List A.
- (2) "Person" means any individual, partnership, association, business trust, corporation or any organized group of persons, whether or not incorporated.
- (3) "Owner" of any material means any Person who has any property interest in such material except a Person whose interest is held solely as security for the payment of money.
- (4) "Consignee" means the Person to whom a Strategic Material is consigned at the time of importation.

- (5) "Import" means to transport in any manner into the Continental United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). Release from the bonded custody of the United States Bureau of Customs shall, for the purpose of this Order, be deemed a transportation.
- (6) "Place of initial storage" means any Warehouse, Yard, Ground Storage or other place to which the Person making the entry or withdrawal from custody of the United States Bureau of Customs of Strategic Material imported after the effective date of this Order directs or has directed that such Strategic Material be transported from the port of entry to be held until disposed of pursuant to this Order.
- (b) Restrictions on importation of strategic materials. After the effective date of this Order, no Person, other than Metals Reserve Company and any other United States governmental department, agency or corporation, or any agent acting for such Company, department, agency or corporation, shall, without the written authorization of the Director of Priorities, make any contract or other arrangement for the importing of any Strategic Material. This prohibition shall not prevent the importing, under the restrictions hereinafter set forth, of Strategic Material by any Person under any contract made before, or in existence on, the effective date of this Order.
- (c) Restrictions on disposition of imported strategic materials. Except as hereinafter specifically provided in paragraph (d):
- (1) Restrictions upon owners and consignees. No Owner or Consignee of any Strategic Material which is imported after the effective date of this Order shall in any way, directly or indirectly
- (i) dispose of any interest in such Strategic Material;
- (ii) process or in any way change the physical condition of such Strategic Material;
- (iii) transfer possession, or cause or permit a transfer of possession, of such Strategic Material except to the port of entry and from the port of entry to the Place of Initial Storage of such Strategic Material; or
- (iv) change, or cause or permit a change of, the location of such Strategic Material except to the Port of entry and from the port of entry to the Place of Initial Storage of such Strategic Material.

Provided: That a Consignee of Strategic Material may dispose of his interest in such Strategic Material to the extent necessary to complete any commitment or contract made prior to the effective date of this Order. The Person to whom he disposes of such interest shall be subject to all restrictions imposed upon Owners by this Order.

(2) Restrictions upon banks and persons similarly situated. No bank or other Person which, as agent, pledgee, bene-

ficiary under a trust receipt, or otherwise, has possession of or any interest in any written instrument evidencing any interest in any Strategic Material imported after the effective date of this Order shall in any way, directly or indirectly, except to the extent necessary to permit a Consignee to make a permissible disposition of Strategic Material in accordance with subparagraph (1) of this paragraph (c)

- (i) dispose of any such interest; or
 (ii) transfer possession, or cause or
 permit a transfer of possession, of such instrument.
- (d) Permissible disposition of imported strategic materials—(1) Transfer to Governmental agency. Nothing contained in this Order shall prohibit any person having any interest whether as Owner, Consignee or otherwise, in any Strategic Material imported after the effective date of this Order from disposing of, or making any arrangement to dispose of, any interest in such Strategic Material to Metals Reserve Company or any other United States governmental department, agency or corporation.
- (2) Authorization by Director of Priorities. Notwithstanding the provisions of paragraph (c), an Owner of Strategic Material imported after the effective date of this Order or a bank or other Person having possession of or an interest in a written instrument evidencing an interest in such Strategic Material, may process such Strategic Material or may dispose of any interest in such Strategic Material or any such written instrument, or transfer possession or change the location thereof, or cause or permit such a transfer of possession or change of location, upon written authorization by the Director of Priorities. Any such person may make application in duplicate for such an authorization on Form PD-222A, attached hereto, which Form shall be addressed to Office of Production Management, Ref: M-63, Washington, D. C., (which will receive from the Collectors of Customs reports of all imports of Strategic Materials).
- (3) Exceptions. The restrictions set forth in paragraph (c) shall not apply to any Strategic Material of which any United States governmental department, agency or corporation is the Owner at the time of importation, and shall not apply to any such Strategic Material after any United States governmental department, agency or corporation becomes the Owner thereof, and shall not apply to any Strategic Material purchased or otherwise acquired from any United States governmental department, agency or corporation.

(e) Reports—(1) Reports to Metals Reserve Company. Promptly after the issuance of this Order, every Person other than any United States governmental department, agency or corporation, or any agent acting for any such department, agency or corporation, who has outstanding any order, contract or

Filed with the original document.

other arrangement for the importing of any Strategic Material or who has here-tofore acquired for import any Strategic Material which has not physically arrived at the port of entry thereof then this Order becomes effective, shall report all relevant facts with respect to such Strategic Material to Metals Reserve Company, Ref: M-63, Washington, D. C. Such report shall be filed in duplicate; one copy will be transmitted to the Office of Production Management by Metals Reserve Company.

(2) Reports to collectors of customs. No Strategic Material which is imported after the effective date of this Order, other than Strategic Materials imported by or for the account of Metals Reserve Company or any other United States governmental department, agency or corporation, shall be entered for consumption or withdrawn from warehouse for consumption unless the Person making the entry or withdrawal shall file with the entry or withdrawal a statement of proposed disposition on Form PD-222B, attached hereto.1 Such statement shall be filed in duplicate; both copies shall be transmitted by the Collector of Customs to Metals Reserve Company, Ref: M-63, Washington, D. C., which will transmit one copy to the Office of Production Management.

(3) Other reports. All persons having any interest, whether as Owner or Consignee or otherwise, in any Strategic Material imported after the effective date of this Order shall file such other reports as may be required from time to time by the Office of Production Management.

(f) Violations. Any Person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) Applicability of Priorities Regulation No. 1. This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(h) Effective date. This Order shall take effect at 12:01 a.m. of the day after the date of issuance. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of December 1941.

J. S. KNOWLSON, Acting Director of Priorities. List A, Attached to General Imports Order M-63

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1941). Materials are included in this List to the extent that they are covered by the commodity numbers listed below. Ores and concentrates bearing the materials are in all cases included.

Material	Ec. class	Commod- ity No.
Antimony	1	6650. 0
	777717	6651. 0
	7	6651, 1
	7	838, 180 838, 210
Cadmium	-	674, 15
Caumium	7	676, 04
Chromium	1	6213. 0
Copper	1	6400.4
	7 7	6400.5
	7	6400.7
	7	6400.8
Carebite - Dissert - Control	7	6400. 9
Graphite or Plumbago, Crystal-	1	5930, 5
line Flake. Kyanite and Sillimanite	1	593, 95
Lead.	1	6503. 0
	î	6504.0
and the same of th	7	6505.1
Quicksilver or Mercury	7	6662. 0
Rutile	1	6270. 2
Tungsten	1	6232, 0
Vanadium	1	6260. 0
Zine	7	6557.0
Zirconium	-	6558, 2 6270, 5

[F. R. Doc. 41-9771; Filed, December 27, 1941; 10:01 a. m.]

PART 1053-FATS AND OILS

General Preference Order M-71 To Conserve the Supply and Direct the Distribution of Fats and Oils

The fulfillment of requirements for the defense of the United States and the uncertainty of imports having resulted in a shortage of fats and oils for defense, for private account, and for export, and it being necessary in the public interest and to promote the national defense to allocate the supply of fats and oils in the manner and to the extent hereinafter in this Order provided;

Now, therefore, it is hereby ordered,

§ 1053.1 General Preference Order M-71—(a) Applicability of Priorities Regulation No. 1. This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) Additional definitions. For the purposes of this Order (1) "Fats and Oils" means all of the raw, crude and refined fats and oils, their by-products and derivatives, and greases, except "essential" oils, mineral oils, and butter.

(2) "Manufacturer" means any person who purchases any fats or oils for use in the manufacture of any product other than products produced in the home for home consumption.

- (3) The "Inventory" of a manufacturer at any time shall include fats and oils held or controlled by him and fats and oils purchased by him for future delivery.
- (c) Restrictions on sales and deliveries.

 (1) Unless specifically authorized by the Director of Priorities, no manufacturer shall hereafter purchase or accept delivery of any fats or oils if, immediately after such purchase or delivery, such manufacturer will have an inventory of fats and oils in the aggregate (including the amount so purchased or delivered) in excess of the amount necessary to enable him to maintain for ninety days a rate of operations equal to whichever is the highest of the following:
- (i) His rate during the thirty days terminating on the date of the issuance of this Order;
- (ii) His rate during the same calendar month one year previous to the month in which such delivery is made;
- (iii) The average of his monthly rate of operations during 1941;

Provided, however, That deliveries under contracts made before the issuance date of this Order may nevertheless be made even if such deliveries will result in an inventory in excess of the amount otherwise permitted hereunder.

(2) Except as provided in paragraph (d), (e) or (f), no person shall hereafter sell or deliver any fats or oils to any manufacturer, unless such person shall have first received from such manufacturer a certificate in substantially the following form, signed by a person authorized to sign for the manufacturer:

The undersigned hereby certifies to his vendor and to the Office of Production Management that the purchase or delivery of the fats and olls covered by this receipt will not give the undersigned an inventory of fats and olls in the aggregate in excess of the amount necessary to enable the undersigned to maintain for ninety days a rate of operations equal to (here insert rate from paragraph (c) (1) selected by manufacturer).

unless specifically authorized by the Director of Priorities.

- (3) No person shall sell or deliver any fats or oils to any manufacturer if he knows or has reason to believe that such certificate is false.
- (d) Exception for imports. Nothing in this Order shall prevent purchases or deliveries of imported fats or oils to the person importing the same either directly or through an agent, or to the person for whose account they were imported or to whom they may have been sold prior to being landed in this country.
- (e) Exempted sales and deliveries. The prohibitions and restrictions of this Order shall not apply to sales or deliveries of fats and oils products in the finished form, sales of refined edible fats and oils (except olive oil) through wholesale and retail channels and directly to the baking, restaurant, hotel and other cooking trades, and sales of lards destined for human consumption without further processing.

¹ Filed with the original document.

(f) Exemption for small manufacturers. Notwithstanding the provisions of paragraph (c), any manufacturer may purchase and accept delivery of the minimum commercial quantities, kinds or amounts which includes the amount permitted by paragraph (c) (1), and any person may sell or deliver such minimum commercial amounts, kinds or quantities when such manufacturer shall add to the certificate required to be filed by paragraph (c) (2) the following sentence:

The amount which the undersigned is entitled to purchase under General Preference Order M-71 is ____, and this purchase or delivery is for the minimum commercial amount including such permitted amount.

- (g) Applicability of General Preference Orders governing particular fats and/or oils. Notwithstanding the foregoing, whenever any General Preference Order imposes more stringent restrictions on deliveries of a particular fat or oil, then deliveries shall be made in accordance with the restrictions of that Order,
- (h) Appeal. Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of fats and oils conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management by letter or telegram setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate
- (i) Reports and correspondence. All reports to be filed, appeals and other communications concerning this Order, should be addressed to the Office of Production Management, Washington, D. C., Reference M-71.
- (j) Effective date. This Order shall take effect immediately, and shall expire at the close of business on January 31, 1942, unless sooner terminated by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of December 1941.

Donald M. Nelson,

Director of Priorities.

[F. R. Doc. 41-9802; Filed, December 29, 1941; 11:42 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1309-COPPER AND COPPER ALLOYS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 12—BRASS MILL SCRAP

Price Schedule No. 12,1 Brass Mill Scrap, is hereby amended by adding to the end of § 1309.11 the following paragraph:

§ 1309.11 Maximum prices for brass mill scrap. * * *

If brass mill scrap is imported into the United States, or if imported brass mill scrap is resold in the United States, there may be added to the maximum price established by this Section the actual amount of United States import or customs duty paid on such scrap: Provided. That:

- (a) the total amount paid or received for such imported scrap f. o. b. shipping point in the continental United States does not exceed the maximum price established in this Section plus the actual amount of import or customs duty paid;
- (b) the import or customs duty paid is shown as a separate item on the records required to be kept in accordance with Section 1309.14 hereof and on any invoice rendered to the buyer; and
- (c) the buyer files a report of each such purchase with the Office of Price Administration on form 112:3 within five days of the date thereof.

This amendment shall become effective December 27, 1941. (Executive Order No. 8734, 8873, 6 F.R. 1917, 4483).

Issued this 27th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9776; Filed, December 27, 1941; 10:52 a, m.]

PART 1312-LUMBER AND LUMBER PRODUCTS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 44 2—DOUGLAS FIR DOORS

The preamble, § 1312.154, and paragraphs (a), (d), and (f) of § 1312.159 of Price Schedule No. 44 are hereby amended in the following respects:

The preamble is amended to read as follows:

Douglas fir doors, manufactured from Douglas fir lumber and plywood, constitute the majority of doors produced in this country, and their price is a significant factor in construction costs. The importance of fir doors to the economy and the demand for these doors has greatly increased by virtue of the vastly expanded building activity stemming from and accompanying the defense program. Large numbers of fir doors are used in cantonments, factories producing military necessities, and defense housing projects. Despite markedly increased production, the supply of doors has not kept pace with the augmented demand. As a consequence, inflationary pressure has caused prices to rise greatly in excess of previously existing levels. The cumulated price increases cannot be justified either on the basis of the increased costs of production or on the assumption that higher prices bring out appreciably more production.

The Office of Price Administration has determined that the establishment of maximum prices for Douglas fir doors is essential to maintain price stability and prevent undue price rises and is necessary to protect consumers, the industry, and the national economy. The maximum prices set forth in this Schedule were determined to be fair and reasonable after extensive investigations, conferences with the industry, and full consideration of all relevant factors.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

Section 1312.154 is amended to read as follows:

§ 1312.154 Records and reports. Every manufacturer who sells and every person who purchases from a manufacturer Douglas fir doors of a value of more than \$1,000.00 in any month after December 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (a) each such purchase or sale made during such month showing the date thereof, the name and address of the buyer and seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity of Douglas fir doors (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.

Section 1312.159 (a), (d), and (f) are amended in the following respects:

§ 1312.159 Appendix A; Maximum prices 1 for Douglas fir doors. (a) is amended to read as follows:

(a) The maximum prices f. o. b. factory shall be determined by applying the following discounts to the list prices set forth in paragraph (b).

¹⁶ F.R. 3594, 5041.

²⁶ F.R. 6084.

Basic Discount: To persons who during the first nine months of 1941 received the seller's prevailing maximum discount.	72 percent.
To all other persons_	70 percent.
No. 1 Doors "A" Grade	Basic Discount.
No. 2 Doors "B" Grade	1 point longer than
	Basic Discount.
No. 3 Doors "C" Grade	2 points longer than
ATEC STREET, S	Basic Discount.
Millrun 11/8" only	1 point longer than
Marian Marian Company	Basic Discount.
Storm Doors	1 point longer than
	Basic Discount.
Cupboard Doors (B&Btr.	1 point longer than
only).	Basic Discount.
"A" Grade Sidelights	Basic Discount.
Rim and French Doors_	5 points longer than
("A" & "B" Grades only).	Basic Discount.
* * *	* *

(d) Design extras exclusive of watertables and trim: is amended by changing F-5 and F-1171/2 to read:

The state of the s	Net extra per door		
Design	Flat panel	Raised panel	
F-5F-117½	None	\$0. 25 . 25	

(f) is amended to read as follows:

(f) Maximum prices for garage doors f. o. b. factory:

1¾" Basic Price: P	er pair
To persons who during the first nine months of 1941 received the seller's	
prevailing lowest price	88.00
To all other persons	8. 50
1%" Basic Price: To persons who during the first nine	
months of 1941 received the seller's	
To all other persons	

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 1 shall become effective January 1, 1942. Issued this 27th day of December 1941.

LEON HENDERSON. Administrator.

[F. R. Doc. 41-9787; Filed, December 27, 1941; 12:15 p. m.]

PART 1316-COTTON TEXTILES

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 35-CARDED GREY AND COLORED-YARN COTTON GOODS

Table I of § 1316.61 (b) (4) is amended to read as follows:

§ 1316.61 Appendix A, maximum prices for cotton goods.

(b) (4) Maximum price tables.

Table I

In addition to the maximum prices set forth in the following tables, the following premiums for special manufacturing processes may be charged. None of the premiums allowable hereunder is applicable, however, to osnaburgs or to print cloths of Class B or C; to any fabric excepted below; or to any fabric which, in its standard construction, is normally manufactured by means of the process on which such premium is predicated.

Name of manufacturing process Premium

Feeler motion	1¢ per lb.
Weaves requiring five or more	Trop Control
cams:	
Weaves, other than plain,	
which (exclusive of selvage)	
require five cams	1/4 per yd.
Weaves, other than plain,	74 1 201 301
which (exclusive of selvage)	
require six or more cams	1/2¢ per yd.
Dobby looms:	721 per yu.
Weaves requiring 16 harnesses	A C. American
or less	1/2º per ya.
Weaves requiring more than	****
16 harnesses	1% e per ya.
Fancy draw:	
For ply cords, bunched ends,	
skip dents, double draw (2	
ends or more weaving as	
one), reverse-twist warp	
stripes, or any other novelty	
draw, or for any combina-	
tion of the above "	1/2¢ per yd.
Each extra beam	½¢ per yd.
Hard twist:	
Warp yarn: where turns per	
inch equal 5¼ or more times	
the square root of yarn size_	½¢ per yd.
Filling yarn: where turns per	
inch equal 4% or more times	
the square root of yarn size_	1/2¢ per yd.
Clipping	1¢ per yd.
Clybe	To por Ju.

Cloths with over 52 picks per 3¢ per 1b. Cloths with 52 picks per inch 2¢ per 1b. 1 Not applicable to cloths other than sheet-

ings and Class A print cloths.

² Effective December 29, 1941. In con-

to all-over patterns made on a dobby loom or with five or more cams unless additional effects of the types specified above are added to the all-over pattern. (This footnote effective December 29, 1941).

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483).

Issued this 26th day of December, 1941. This Amendment, No. 2, shall become effective December 29, 1941.

> LEON HENDERSON. Administrator.

[F. R. Doc. 41-9769; Filed, December 27, 1941; 9:55 a. m.]

PART 1347-PAPER AND PAPER PRODUCTS (Revised as of January 1, 1942)

AMENDMENT NO. 4 OF PRICE SCHEDULE NO. 32-PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

Sections 1347.51 to 1347.62 inclusive and § 1347.64 are hereby renumbered and amended to read as follows:

1347.51 1347.52 Maximum prices for paperboard. Less than maximum prices.

1347.53 1347.54 Records. Reports

1347.55 1347.56 1347.57 Affirmation of compliance.

Enforcement.

1347.58 1347.59 1347.60 Modification of the Price Schedule.

Definitions. Effective date.

1347.61

Appendix A. Maximum prices for paperboard used in the manufac-ture of folding paper cartons, ture of folding paper cartons, set-up boxes, or for any other pur-poses, sold east of the Rocky Mountains.

1347.62 Appendix B. Maximum prices for paperboard used in the manufacture of fibre boxes (corrugated or solid fibre), sheets (corrugated or solid fibre), single faced rolls, or

for any other purposes, sold east of the Rocky Mountains.

1347.63 Appendix C. Maximum prices for paperboards and specialty paperboards not covered by § 1347.61, Appendix A, and § 1347.62, Appendix B, sold east of the Rocky Mayntaine.

Mountains.
1347.64 Appendix D. Wholesale distributor

allowance.

1347.65 Appendix E. Sale of paperboard for export.

§ 1347.51 Maximum prices for paperboard. On and after January 1, 1942, regardless of the terms of any contract of sale or purchase or other commitment, in the area east of the Rocky Mountains, no person shall sell, offer to sell, deliver or transfer any grade of paperboard, and no person shall buy, offer to buy, or accept delivery of any grade of paperboard at prices higher than the maximum prices set forth in Appendices A, B, C, D, and E, hereof, incorporated herein as §§ 1347.61, 1347.62, 1347.63, 1347.64, and 1347.65, respectively. The sale of any paperboard shipped from or into the area east of the Rocky Mountains shall be subject to this Schedule.

*§§ 1347.51 to 1347.65, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483.

§ 1347.52 Less than maximum prices. Lower prices than those set forth in Appendices A, B, C, D, and E, may, however,

be charged, demanded, paid, or offered.* § 1347.53 Evasion. The price limitations set forth in this Schedule shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of paperboard, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1347.54 Records. Every person making purchases or sales aggregating ten tons or more of any or all grades of paperboard in any one month shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each purchase or sale of paperboard made during such month and each month thereafter showing the date thereof, the name of the purchaser or of the seller, the prices paid or received, the quantity

¹⁶ F.R. 5337.

and grade or grades so purchased or sold.*

§ 1347.55 Reports. Every producer of any or all grades of paperboard shall, in addition to keeping records as required above, submit such reports as the Office of Price Administration may from time to time require.*

§ 1347.56 Affirmation of compliance. All persons who are required by § 1347.54 to keep records, shall transmit, on or before February 10, 1942, an affirmation of compliance on Form 132:1 containing a sworn statement that during the period January 1 to January 31, inclusive, 1942, all purchases and sales were made at prices in compliance with this Schedule or with any exception or modification thereof, and on or before the tenth day of each month thereafter, a similar affirmation of compliance containing a sworn statement that during the preceding calendar month for which the record is kept all purchases and sales were made at prices in compliance with this Schedule or with any exception or modification thereof. Copies of Form 132:1 can be procured from the Office of Price Administration or, provided no change is made in the style and content of it and that it is reproduced on 8" by 101/2" paper, may be prepared by persons required to submit affirmation of compliance hereunder.*

§ 1347.57 Enforcement. In the event of refusal or failure to abide by the price limitations, record or report requirements, or other provisions contained in this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of any or all of the grades of paperboard, or of the hoarding or accumulation of unnecessary inventories thereof, are urged and requested to communicate with the Office of Price Administration.

§ 1347.58 Modification of the Price Schedule. Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom. Such applications must include all relevant facts in detail and must be verified by the individual making the application or by an officer or partner of the business entity making the application: Provided, That no application under this section will be considered unless filed by persons complying with this Schedule and other Schedules issued by the Office of Price Administration.*

§ 1347.59 Definitions. When used in this Schedule, or any modifications or exceptions thereto, the term:

(a) "Base price" means the going market price quoted for any grade and type of paperboard specifically listed in Appendices A and B of this Schedule;

(b) "East of the Rocky Mountains" includes all of the area of the continental United States except the states of California, Oregon, Washington, Idaho, Utah, Nevada, New Mexico, Arizona, Colorado, Wyoming, and Montana;

(c) "Exporter" includes any person who is engaged in the business of selling paperboard or other commodities for export, and who is not a producer of paperboard;

(d) "Gage list" means those lists set forth in United States Department of Commerce Simplified Practice Recommendation R44-36 entitled "Box Board Thicknesses":

(e) "Item" means paperboard of one size, of the same grade, color, type, weight, caliper, and finish which the purchaser is willing to have delivered at one time;

(f) "Paperboard" means all kinds, grades, types, calipers, colors, and patterns of paperboard;

(g) "Person" means an individual, partnership, association, corporation, or other business entity;

(h) "Producer" means any person who manufactures from any raw material, paperboard for any use whatever;

(i) "Total transportation cost involved" includes all actual costs involved in transporting and delivering paper-board to the purchaser's plant actually using the paperboard, whether paid by purchaser, by seller, or prorated between purchaser and seller;

(j) "Wholesale distributor" includes any person who is engaged in a business more than 50% of the gross receipts of which during the period commencing October 1st, 1940, and ending September 30th, 1941, were derived from the purchase and resale of the products of producers or converters of paper, paper

products, and paperboard, without fabricating other than by pasting sheets, and who does not divide in any manner or degree with any converter, producer, or other wholesale distributor the difference between the amount paid for the products and the price at which they are sold. A wholesale distributor must be able to establish that paperboard, unfabricated other than by pasting sheets, was among the products purchased and resold by him during the above period.

(k) "Ton" means a net ton of 2000 pounds.*

§ 1347.60 Effective date. This Amendment No. 4 to Price Schedule No. 32 shall become effective on January 1, 1942 *

Issued this 26th day of December, 1941.

LEON HENDERSON,

Administrator.

§ 1347.61 Appendix A. Maximum prices for paperboard used in the manufacture of folding paper cartons, set-up boxes, or for any other purposes, sold east of the Rocky Mountains.

(a) Non-bending boards, mounting-boards, and chip tube & can stock.
 (No. 1 Gage List—Regs. 50's to 90's incl. See paragraph
 (d) for other thicknesses'):

	Maxi- mum base	per ite	um difi m apply um base	ing to the
	price per ton (2,000 lb.)	Up to and in- cluding 3 tons 3	Over 3, less 10 tons 3	10 tons or over 1
Plain chip. News vat lined chip. Filled news. Solid news! White vat lined chip. Mounting board. Chip tube & can	\$45, 00 45, 00 45, 00 45, 00 45, 00 45, 00	+\$5,00 +6,50 +8.00 +10.00 +20.00 +8.00	+\$2,50 +4,00 +5,50 +7,50 +17,50 +5,50	Base +\$1,50 +3,00 +5,00 +15,00 +3,00
stock	45.00	+7.50	+5.00	+2.50

Footnotes on page 6801.

(b) Folding boards. (No. 2 Gage List—Reg. 50's to 90's, Incl. See paragraph (d) for other thicknesses):

	Maximum base price per ton (2,000 lb.)	per ite		ferentials ing to the e price ²
		Up to and in- cluding 3 tons ³	Over 3, less 10 tons 1	10 tons or over
Single manila lined chip	\$60,00	+\$5.00 +5.00	+\$2,50 +2,50	Rase Base
Mist gray lined chip. Bleached manila lined chip	60.00	+5.00 +7.50	+2,50	+\$2,50
creasing chip Full bending chip	60. 00 60. 00	-7.50 -5.00	-10.00 -7.50	-12,50 -10,00

tOther distributors or exporters, see

(c) White patent coated news. (No. 6 and No. 7 Gage Lists):

	Maxi- mum base	Maximum differentials per item applying to the maximum base price [‡]		
	price per ton (2,000 lb.)	Up to and in- cluding 3 tons 3	Over 3, less 10 tons 3	10 tons or over 3
GAGE LIST NO. 6 #1 Single White 0.020 and heavier #1 Single White 0.018. #1 Single White 0.016. #1 Single White 0.015. #1 Single White 0.014. GAGE LIST NO. :	\$75, 00 75, 00 75, 00 75, 00 75, 00	+\$5.00 +7.50 +10.00 +12.50 +15.00	+\$2,50 +5,00 +7,50 +10,00 +12,50	Base +\$2.50 +5.00 +7.50 +10.00
#1 Double White 0.020 and heavier.	75.00	+27.50	+25.00	+22.50
#1 Double White 0.018 #1 Double White	75.00	+32.50	+30.00	+27.50
0.016. #1 Double White	75, 00	+37, 50	+35.00	+32,50
0.015_ #1 Double White	75, 00	+40.00	+37.50	+35.00
0.014	75.00	+42, 50	+40.00	+37,50

(d) Additional differentials.

(1) Applying to paragraphs (a) or (b) only

	Per ton 3
Regular 35's to 39's	+85.00
Regular 40's to 49's	+2.50
Regular 91's to 100's	+2.50
Regular 101's to 120's	+5.00
For weights lighter than 120 count see paragraph (g).	
Swim news back	+1.50

(2) Applying to White Patent Coated News, Single Manila Lined Chip, or Bleached Manila Lined Chip only:

	Per ton 3
Manifa back non-bender	+\$10.00
Manila back bender	+15.00

(3) Applying to paragraphs (a), (b), or (c) .

	Per ton 3
Silicating (per side)	+82.50
Pasting 15's and lighter	+7.50
Pasting 14's to 1/2" thick	+12.50
Gloss ink	+2.50

Except No. 3 Gage List.
See Paragraph (e) for exception to quan-

tity differentials.

A plus sign before a figure establishes it as the maximum amount that may be added to the base price in the sale or purchase of the kind and grade of paperboard in whose column the figure appears. Smaller amounts may be added. A minus sign before a figure establishes it as the minimum amount that must be subtracted from the base price in the sale or purchase of the kind and grade of paper-board in whose column the figure appears. Larger amounts may be subtracted.

(e) Exception to quantity differentials. Where a single purchaser places an order for paperboard of a single grade, thickness, type, and color, and where the sizes ordered and quantities demanded are such as to fill the trim of the seller's papermaking machine and where the only cutting involved can be done by the slitter and chopper knives as the paperboard leaves the machine, the combined weight of such orders made simultaneously shall be used as the basis for the application of the quantity differential set forth herein.

(f) Special sizes for slitting. For trimming sheets add \$1.00 per side per ton. For maximum prices for dimensions of sheets or rolls requiring extra cutting or slitting operations which cannot be performed at the end of papermaking machine by slitter and chopper knives, see paragraph (g)

(g) Special whites, special colors, special sizing, special test, and other special characteristics or requirements. The prices and differentials listed in this Appendix cover the types of paperboard described herein or slight variations thereof. For special whites, special colors, special sizing, special test, and other special characteristics or requirements involving an extra cost, the maximum price shall be determined by adding to the maximum price as established by paragraphs (a), (b), (c), and (d), of this Appendix for the particular type of paperboard involved, an extra charge to cover such extra cost as follows:

(1) For items made since January 1, 1941, the extra charge added shall not exceed the highest extra charge added to the base price of such paperboard sold to the particular purchaser or to a similar purchaser during the first nine months of 1941, for the special weight, special color, special sizing, special test, or other special characteristics or requirements, if not otherwise specifically provided for in this Appendix;

(2) For items not sold during the first nine months of 1941, the extra charge to be added shall be subject to the approval of the Office of Price Administration prior to the issuance of any invoice. When submitting such extra charge to the Office of Price Administration for approval, the producer shall submit under oath complete data on the extra cost involved, together with complete price and cost data on one or more comparable items manufactured since January 1, 1941: Provided, however, That invoices may be issued at a price not in excess of the appropriate maximum price for the particular type of paperboard involved as established by paragraphs (a), (b), (c), and (d), of this Appendix, subject to a provision that adjustment of such price may be made to cover any extra charge approved by the Office of Price Administration as provided in this paragraph.

(h) Delivered prices. All of the above maximum prices are for the respective grades or tonnages delivered to the purchaser's plant actually using the paper-

The maximum prices set forth in this Appendix shall include all transportation costs involved, except as provided in paragraph (i) below, regardless of whether such transportation costs are paid by the seller, by the purchaser, or prorated between purchaser and seller. Billing may be f. o. b. point of shipment with freight allowed.

(i) Added freight adjustments for long hauls. If, in the shipment of any paperboard, the total transportation cost involved exceeds \$6.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between \$6.00 and the total transportation cost involved per ton.

§ 1347.62 Appendix B. prices for paperboard used in the manufacture of fibre boxes (corrugated or solid fibre), sheets (corrugated or solid fibre), single faced rolls, or for any other purposes, sold east of the Rocky Mountains.1

(a) Liners-0.016:

	Price per M	
// (本	uare feet	
0.016-42 lb. Fourdrinier Kraft		
0.016-47 lb. Fourdrinier Kraft	1.41	
0.016—50 lb. Fourdrinier Kraft 0.016—52 lb. Fourdrinier Kraft	1.50	
0.016—52 lb. Fourdrinier Kraft	1.56	
0.016-52-58 lb. Cylinder Kraft-	100	
lb. test	1.82	
0.016—56 lb. Fourdrinier Kraft	1.82	
0.016-56-58 lb. Jute-100 lb. test.	1.92	
(b) Liners heavier than 0.016		
0.023-Jute-See paragraph (g).		
0.023-72 lb. Fourdrinier Kraft	2.16	
0.030-96-100 lb. Jute-135 lb. test.	3.30	
0.030-90 lb. Fourdrinier Kraft		
0.030-90-104 lb. Cylinder Kraft-		
1b. test	2.88	
0.030-90-106 lb. Cylinder Kraft-	-150	
Ib test	9.00	
0.030-90-106 lb. Cylinder Kraft-	170	
lb. test	3.12	
(c) Liners lighter than 0.016:		
0.009-32 lb. Fourdrinier Kraft	1.04	
0.012—33 lb. Fourdrinier Kraft	99	
0.012—48-52 lb. Jute	1 63	
0.014—38 lb. Fourdrinier Kraft	1. 14	
0.014—43 lb. Fourdrinier Kraft		
O.OIT TO ID. POURUITHEI KINIO	1.49	
(d) Corrugating grades:		
0.009-30-34 lb. Strawboard	96	
0.009-26 lb. Fourdrinier Kraft	78	
0.009—26 lb. Chestnut 0.009—25-30 lb. "Bogus" Corrug	78	
0.009-25-30 lb. "Bogus" Corrus	at-	
ing Material 0.009—26 lb. Canadian Sulphite	90	
0.009-26 lb. Canadian Sulphite	and	
Ground Wood 1	78	
(a) Chin for use in inner neel		

(e) Chip for use in inner packing, single face rolls, or containers:

Price per ton 0.007—21 lb. up to 0.016_____ \$47.50 0.017 and heavier_____

'Where paperboard of any type covered by this Appendix is imported from a foreign country by a purchaser, and duty must be paid on such import, such purchaser may pay this duty although this payment results in a total cost to such purchaser for paperboard which exceeds the maximum prices established in this Appendix. The total amount paid by the purchaser for such imported paperboard shall in no event exceed the prices established in this Appendix. ceed the prices established in this Appendix plus the actual amount of the import duty paid, and such import duty must be shown as a separate item in the records required to be kept in accordance with § 1347.54

(f) Natural colors. All Kraft, Jute, and Chip prices are based on standard grades in their respective natural colors.

(g) Special colors, special sizing, special test, and other special characteristics or requirements. The prices listed in this Appendix cover the items described herein or slight variations thereof. For special colors, special sizing, special test, and other special characteristics or requirements involving an

extra cost, the maximum price shall be determined by adding to the maximum price as established by paragraphs (a), (b), (c), (d), and (e), of this Appendix for the particular type of paperboard involved, an extra charge to cover such extra cost as follows:

- (1) For items made since January 1, 1941, the extra charge added shall not exceed the highest extra charge added to the base price of such paperboard sold to the particular purchaser or to a similar purchaser during the first nine months of 1941, for the special weight, special color, special sizing, special test, or other special characteristics or requirements, if not otherwise specifically provided for in this Appendix;
- (2) For items not sold during the first nine months of 1941, the extra charge to be added shall be subject to the approval of the Office of Price Administration prior to the issuance of any invoice. When submitting such extra charge to the Office of Price Administration for approval, the producer shall submit under oath complete data on the extra cost involved, together with complete price and cost data on one or more comparable items manufactured since January 1, 1941: Provided, however, That invoices may be issued at a price not in excess of the appropriate maximum price for the particular type of paperboard involved as established by paragraphs (a), (b), (c), (d), and (e), of this Appendix, subject to a provision that adjustment of such price may be made to cover any extra charge approved by the Office of Price Administration as provided in this paragraph.
- (h) Delivered prices. All of the above maximum prices are for the respective grades or tonnages delivered to the purchaser's plant actually using the paperboard.

The maximum prices set forth in this Appendix shall include all transportation costs involved except as provided in paragraph (i) below, regardless of whether such transportation costs are paid by the seller, by the purchaser, or prorated between purchaser and seller. Billing may be f. o. b. point of shipment with freight allowed.

- (i) Added freight adjustments for long hauls. (1) If the total transportation cost involved for the type of transportation used in the shipment of Fourdrinier Kraft liners, Cylinder Kraft liners, and Kraft corrugating material, provided such liner or corrugating material is made in the United States from at least 70% virgin Kraft coniferous wood pulp, exceeds \$10.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between \$10.00 and the total transportation cost involved per ton.
- (2) If the total transportation cost involved for the type of transportation used in the shipment of corrugating material or liners listed in this Appendix imported

from Canada exceeds \$12.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between \$12.00 and the total transportation cost involved per ton.

- (3) If the total transportation cost involved for the type of transportation used in the shipment of all other types of paperboard listed in this Appendix, except those provided for in sub-paragraphs (1) and (2) hereof, exceeds \$6.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between \$6.00 and the total transportation cost involved per ton.
- § 1347.63 Appendix C. Maximum prices for paperboards and specialty paperboards not covered by § 1347.61, Appendix A, and § 1347.62, Appendix B, sold east of the Rocky Mountains—(a) Classifications. The provisions of this Appendix shall apply to the following classifications:
- (1) Tag Stocks and File Folder Stocks
- (2) Press Board, Imitation Press Board and Paperboards used in the manufacture of electrical equipment.
- (3) Bristol Board, Bogus Bristols and Mill Blanks.
- (4) Leather Fibreboard used in the manufacture of Footwear, and Leather-board for any purpose.
- (5) Container Boards used for foods and purposes other than Foods, limited to:
 - (i) Milk Bottle Stock.
 - (ii) Milk Bottle Cap Stock.
 - (iii) Liquid Tight Can Steck.
 - (iv) Solid Bleached Boards.
- (v) Bleached Lined Solid Manila Board.
- (vi) Double Bleached Lined Solid Manila Board.
 - (vii) Solid Manila Board.
 - (viii) Solid Wood Pulp Boards.
- (6) Paperboard for Egg Fillers, Egg Flats and Molded Pulp Packing Material for Eggs.
 - (7) Binders Board.
- (8) Clay coated Folding Boxboard and Clay Coated Cardboard.
- (9) Miscellaneous Specialty Paperboards Not Covered elsewhere in this Schedule.
- (b) Maximum prices for paperboards listed in paragraph (a) above. (1) For paperboard manufactured or sold at any time during the period from January 1 to September 30, 1941, inclusive, the maximum price shall be the highest price per ton or per thousand square feet charged by the producer during that period. Differentials from such price commensurate with increases or decreases in costs due to (a) quantity ordered, or (b) packaging or packing requirements, may be made.

Such prices shall be f. o. b. the point of shipment. If the highest price charged during the period from January 1, to September 30, 1941, was on a delivered

basis, the maximum price under this schedule shall be determined by subtracting from such price the total of all actual transportation and other charges which were paid by the seller from the point of shipment.

- (2) For paperboard not manufactured or sold during the period from January 1, 1941, to September 30, 1941, inclusive, the price shall be subject to the approval of the Office of Price Administration prior to the issuance of any invoice. When submitting such prices for approval by the Office of Price Administration, the manufacturer shall submit complete data on costs involved, together with complete price and cost data on one or more comparable grades made since January 1, 1941.
- § 1347.64 Appendix D; wholesale distributor allowance. In the event that a purchaser of paperboard shall purchase from a wholesale distributor, as defined in § 1347.59 (j) hereof, paperboard owned by such wholesale distributor but not manufactured by him, and
- (a) If sale of the same type and quantity of paperboard has been made to the same or a similar purchaser in the period between October 1, 1940, and September 30, 1941, inclusive, such purchaser may pay such wholesale distributor and such wholesale distributor may charge such purchaser, not more than the maximum price established by Appendices A, B, or C of this Schedule for the type and quantity of paperboard sold plus a wholesale distributor's allowance not to exceed the regular allowance customarily charged by the wholesale distributor to the same or a similar purchaser for the type of sale and paperboard involved in the period between October 1, 1940, and September 30, 1941, inclusive; Provided, however. That in the event the amount sold is three short tons or less, the allowance may not exceed the following:

Amount of sale in	Maximum price per ton of item, for ten tons or over, as established by appendices A, B, and C of this schedule		
pounds per item	\$45.00-\$49.99	\$50.00-\$54.99	\$55.00-\$59.99
	maximum	maximum	maximum
	allowance	allowance	allowance
0 to 250 lb	Per ton	Per ton	Per ton
	+\$24.00	+\$25,00	+\$26, 00
	+17.50	+18,50	+19, 50
	+14.00	+15,00	+16, 00
	+13.00	+14,00	+15, 00
	+12.50	+13,50	+14, 50
	+11.00	+12,00	+13, 00

For items priced at \$60.00 per ton or more, this allowance may be increased \$1.00 per ton for each \$5.00 bracket of price increase.

(b) If sale of the same type and quantity of paperboard has not been made to the same or a similar purchaser in the period between October 1, 1940, and September 30, 1941, inclusive, such purchaser may pay such wholesale distributor, and such wholesale distributor may charge such purchaser not more than the maximum price established by Appendices A, B, or C of this Schedule for the type

and quantity of paperboard sold plus a wholesale distributor's allowance as follows:

- (1) If the amount sold is three short tons or less, the wholesale distributor's allowance shall not exceed that established in the table set forth in paragraph (a) above for sales of three short tons or less.
- (2) If the amount sold is more than three short tons, application must be made to the Office of Price Administration for approval of the wholesale distributor's allowance prior to the issuance of any invoice. When submitting such allowance for approval, the wholesale distributor shall submit under oath all relevant facts, including
- (i) The length of time that the wholesale distributor has been engaged in the purchase and resale of the products of other producers or converters of paper, paper products, or paperboard;

(ii) The average monthly gross sales of all paper or paperboard during the period October 1, 1940, to September 30,

1941, inclusive;

(iii) A full description of the type of paperboard to be sold, including name and location of producer and cost per ton to the applicant;

(iv) The amount of paperboard in tons covered by the sale in question;

(v) The amount of the total sale involved in dollars;

(vi) The wholesale distributor's allowance per ton received by the applicant in three or more sales of similar paperboard, setting forth the tonnages sold, cost to applicant, and sale price;

(vii) Whether the particular paperboard is sold from the applicant's warehouse, or direct from the producer; and

- (viii) The name and location of purchaser, and information concerning previous sales to such person, including wholesale distributor's allowance, if any.
- (c) All prices established by this Appendix are for paperboard delivered to the purchaser's plant actually using the paperboard.
- § 1347.65 Appendix E. Sale of paperboard for export. (a) Exporters of paperboard for delivery to foreign countries may receive no more for such paperboard than the maximum prices set forth in Appendices A, B, and C, of this schedule plus:
- Actual costs of any additional packing required for export shipments provided such costs are paid to the producer or wholesale distributor of the paperboard sold,

(2) Actual transportation costs from port of export, marine and war risk insurance, consular fees and financial charges, actually paid by said exporter,

(3) An amount not to exceed the average mark-up per ton received for paper-board sold for export by such exporter during the year 1940, exclusive of the items in subparagraphs (1) and (2) above;

- (b) Producers of paperboard packed for export shipment may receive no more for such paperboard sold f. a. s. a vessel for export than the maximum prices set forth in Appendices, A, B, and C. of this Schedule, plus the actual cost of any additional packing required for export shipment.
- (c) Producers of paperboard who sell such paperboard on a c. i. f. basis to the foreign consumer may receive no more for such paperboard than the maximum prices provided in Appendices A, B, and C of this Schedule, plus:
- (1) Actual costs of any additional packing required for export shipment,
- (2) Actual transportation costs from port of export, marine and war risk insurance, consular fees and financial charges actually paid by said producer,
- (3) An amount not to exceed the average mark-up per ton received for paper-board sold for export by such producer during the year 1940, exclusive of the items in subparagraphs (1) and (2) above.
- (d) In the event that a producer or exporter has not exported during the year 1940, application for approval of mark-up should be made to the Office of Price Administration.
- (e) No wholesale distributor's allowance shall be allowed in the case of an export sale.

[F. R. Doc. 41-9764; Filed, December 26, 1941; 3:21 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS
AMENDMENT NO. 2 TO PRICE SCHEDULE NO.
50—GREEN COFFEE

The preamble and §§ 1351.1, 1351.3, and 1351.7 are hereby amended, and § 1351.1a is hereby added, so that Price Schedule No. 50 shall read as follows:

During the past few months, green coffee prices have shown an inflationary increase as a result of changed conditions affecting foreign supplies and shipping facilities. This has occurred despite the fact that stocks in this and producing countries are adequate, and that the import quota for this year is substantially higher than the estimated national consumption. In order to maintain price stability and to prevent price rises, the Office of Price Administration has determined after careful study that the prices set forth below best accomplish these purposes.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.1 Maximum prices for green coffee. (a) On and after December 11, 1941 no person shall sell, offer to sell, deliver or transfer green coffee, and no person shall buy, offer to buy, or accept delivery of green coffee at prices higher than the maximum prices; except that

- contracts entered into prior to December 11, 1941 providing for a price higher than the maximum prices may be carried out at the contract price.
- (b) The maximum prices shall include all commissions and all other charges, except that:
- (1) Increases or decreases in the charges prevailing on December 8, 1941 for ocean freight, war risk insurance, and marine insurance shall be added to or subtracted from the maximum prices respectively.
- (2) Any buyer who requires the services of a broker at the port of entry may pay such broker a commission over and above the maximum price not to exceed 1% of the maximum price.
- (c) The maximum prices for all types and grades of green coffee shall be as follows:

Country and price in cents per pound ex dock New York City

Brazil: Santos No. 2, 141/8; Santos No. 4, 133/8; Rio No. 7, 93/8.

Colombia: Medellin Excelso, 161/4; Manizzles Excelso, 157/8.

Costa Rica: Strictly Hard, 161/2; Prime, 16.

Cuba: Good Washed, 141/4.

Ecuador: Extra Superior Unwashed,

Guatemala: Strictly Hard, 16½; Good Washed, 14½.

Haiti: Good Washed Sweet, 13¾. Hawaii: No. 1 Extra Prime, 16½. Honduras: Good Washed, 15.

Jamaica: 141/2.

Mexico: Coatepec, 16½; Tapuchula, 15½.

Nicaragua: Matagalpa, 15; Good Washed, 14½.

Peru: Fancy, 151/4.

Puerto Rico: Fancy, 151/2; Good Washed, 141/2.

Salvador: High Grown Washed, 16; Good Washed, 15½; Superior Unwashed, 13¾.

San Domingo: Good Washed Sweet, 1334.

Surinam: 73/4.
Trinidad: 141/2.

Venezuela: Fancy Washed Caracas, 15%; Standard Unwashed Sweet Maracaibo, 13%.

Abyssinia: 17. Belgian Congo: 15½.

Bukoba: 131/8. Kenya: 16.

Mocha (Arabia): 181/2.

Netherlands East Indies: 191/2.
Portuguese West Africa: 111/4.

Tanganyika: 15¾.
Uganda: 13.

In all cases the above descriptions apply to the best quality of each type and grade named. The maximum prices for green coffee imported from any other country, or for grades not named of poorer quality, shall be determined by applying the customary trade differentials in effect prior to December 8, 1941.

For aged grades of "extra superior" quality, or for imports from any country

¹⁶ F.R. 6373, 6432.

of limited amounts of coffee of quality markedly superior to the best grade listed for that country, a premium may be added to the maximum price listed for the corresponding grade, provided such premium is commensurate with trade practices prevailing prior to December 8, 1941.

- (d) The maximum prices shall be ex dock New York City. For any green coffee sold ex warehouse rather than ex dock, the cost of actually "putting the coffee into the warehouse", as defined in § 13517, may be added by the seller who incurred the cost.
- (e) The maximum prices for all types and grades ex dock New Orleans, San Francisco, or any other port of entry, shall be determined by adding to or subtracting from the New York City price the customary trade differentials prevailing on December 8, 1941 between New York City and that port. If increases or decreases in shipping charges to New York City and to such other port are not equal, the customary trade differentials may be adjusted accordingly.
- (f) The delivered price for any type or grade of green coffee shall in no case exceed the maximum price plus the actual transportation charges from the dock or warehouse at New York City or other port of entry to the place of destination.
- (g) Any person making sales of green coffee in lots of twenty five bags or less may add to the maximum prices specified above an amount not in excess of 7½% of the maximum price.
- (h) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Coffee and Sugar Exchange. In such contracts the maximum prices shall be the closing prices on the Exchange as of December 8, 1941 for the months then traded in as listed below. The maximum prices for futures contracts for months, if any, after September 1942, shall not exceed the futures price for September 1942. The maximum prices for futures contracts, if any, traded in months currently inactive shall not exceed the maximum prices for the last active preceding month.

Santos No. 4:	(Cents per pound)
December	12. 83
1942	
March	
May	12.93
July	12. 97
	13,00
Rio No. 7:	
December	8. 26
1942	
March	8,55
	8. 65
July	
September	

*§§ 1351.1 to 1351.8, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.1a Sales at retail. Sales at retail and sales of less than one bag shall be excepted from the operation of this schedule.*

§ 1351.2 Less than maximum prices. Lower prices than the maximum prices established by this schedule may be charged, demanded, paid or offered.*

§ 1351.3 Records and reports. (a) All sellers and all buyers who have entered into contracts, prior to December 11, 1941, for the sale or delivery of green coffee, on or after that date, at prices higher than the maximum prices established by this schedule shall report all such contracts to the Office of Price Administration on or before January 12, 1942, stating (a) the name and address of the buyer and seller; (b) the actual date of the contract; (c) each and every delivery date provided for in the contract; and (d) the price, quantity, and description of the product sold.

When the buyer receives the final shipment called for by the contract he shall report such receipt to the Office of Price Administration within two weeks thereof, certifying that the total amount received did not exceed the quantity specified in such contract.

(b) Every person making purchases or sales of green coffee on and after December 11, 1941 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, including the name of the purchaser, the date of the contract, the price paid or received, and the type, grade, quality, and amount sold.

(c) Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.4 Modification of schedule. Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: Provided, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1351.5 Enforcement. In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government. both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of green coffee, or of the hoarding or accumulating of unnecessary inventories thereof are

urged to communicate with the Office of Price Administration.*

§ 1351.6 Evasion. The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of green coffee, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 8, 1941, or by any other means.*

§ 1351.7 Definitions. When used in this Schedule, the term:

- (a) "Persons" means an individual, partnership, association, corporation, or other business entity.
- (b) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no roaster, processor, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.
- (c) "Cost of putting coffee into the warehouse" includes (1) "labor in and out" and (2) warehouse storage charges for not more than thirty days.*

§ 1351.8 Effective date of the schedule. This Schedule shall become effective on December 11, 1941.*

Issued this 27th day of December 1941. This Amendment No. 2, amending the preamble and §§ 1351.1, 1351.3, and 1351.7, and adding § 1351.1a, shall become effective this 29th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9789; Filed, December 27, 1941; 12:59 p. m.]

TITLE 33—NAVIGATION AND NAVI-GABLE WATERS

CHAPTER I—COAST GUARD, DE-PARTMENT OF THE TREASURY

PART 8—REGULATIONS, U. S. COAST GUARD RESERVE

AMENDMENTS 1

The Regulations, United States Coast Guard Reserve, 1941 (6 F.R. 1925), are hereby amended as follows:

Section 8.2102 (b) is amended to read as follows:

§ 8.2102 Procurement policy—general.

(b) Persons whose availability for active duty is considered by Headquarters to be incompatible with the availability requirements in paragraph (a) of this section shall not be appointed or enlisted in the Reserve.

Section 8.2103 (a) is amended by striking out the words "except that the num-

¹Issued under the authority contained in Public No. 8, 77th Congress, 1st Session, approved Feb. 19, 1941.

ber of appointments made from this source shall not exceed 20 percent of the total number of appointments to be made" where they appear under the First preference.

Section 8.2103 (g) is amended to read as follows:

§ 8.2103 Procurement of officers.

(g) (1) The provisions of paragraphs (c), (d), (e), and (f) of this section are not applicable to the procurement of temporary officers of the Reserve except that such officers shall be required to qualify physically. Temporary officers of the Reserve will be appointed by the Commandant in grades and ranks up to and including that of lieutenant commander on the recommendation of district commanders, who will satisfy themselves as to the professional, moral and general qualifications of the candidate recommended.

(2) The provisions of paragraph (c), (d), (e), and (f) of this section are not applicable to the procurement of Reserve officers from personnel of the Regular Coast Guard. Qualifications of such personnel for appointment will be determined by an examining board convened by the Commandant at Headquar-

Section 8.2105 is amended by adding a new paragraph at the end thereof as follows:

§ 8.2105 Procedure in making application for appointment.

(c) The provisions of paragraphs (a) and (b) of this section are not applicable to the personnel of the regular Coast Guard, except such parts thereof as may be required by the examining board convened in accordance with § 8.2103 (g)

Section 8.2201 is amended to read as

§ 8.2201 Educational requirements, commissioned officers. A candidate for appointment as a commissioned officer in the Reserve, except a candidate who is a chief warrant officer, warrant officer, or enlisted man of the regular Coast Guard, must be a high school graduate and have sufficient experience in the operation of motorboats or yachts or on seagoing vessels to justify the appointment desired: Provided, That boat or seagoing experience shall not be required of candidates who are found by the Commandant to be qualified by reason of their education and experience for special

Section 8.2203 is amended to read as follows:

§ 8.2203 Ages for original appointment as officers. (a) The limiting ages for original appointments in the Reserve, except for temporary officers and for personnel of the regular Coast Guard, are prescribed as follows:

Grade	Age
Lieutenant (j.g.) Ensign	21 to 45 21 to 35
Chief warrant officers Warrant officers	135

¹ Minimum.

Upper age limits are to nearest birthday. Officers, other than temporary officers, will not be given original appointments in grades above lieutenant (junior

(b) No age limits are prescribed for temporary officers or for officers appointed from the personnel of the regular Coast Guard.

The introductory paragraph of § 8.2204 is amended to read as follows:

§8,2204 Entrance examinations. A candidate for appointment as a commissioned officer in the Reserve must pass the written entrance examination prescribed with a mark of 70% or better in each subject to be eligible for appointment, except that the written examination will not be required of regular Coast Guard personnel or of candidates being considered for special duty. The scope of the entrance examination is as follows:

* Sections 8.3101 to 8.3110 are stricken out and the following new §§ 8.3101. 8.3102, and 8.3103 are promulgated:

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§ 8.3101 Promotions of officers _by seniority. Officers will be promoted only when they have been found physically and professionally qualified for promotion by the Commandant. The findings of the Commandant may be based upon the recommendations of a Board of Officers, examination, the service record of the officer, or such other evidence as he may deem sufficient.

§ 8.3102 Limiting percentages of officers in higher grades. Officers of the rank of lieutenant commander and lieutenant shall not exceed the percentages of 10 and 25 respectively of the total number of commissioned officers as may be authorized from time to time by the Commandant.

§ 8.3103 Promotion of temporary officers. If a temporary officer of the Reserve is qualified for a rank or grade other than that which he is holding, the Commandant may, upon the recommendation of the district commander, revoke the extant appointment and reappoint the officer in the rank or grade for which qualified.

Section 8.3201 is amended to read as follows:

§ 8.3201 Officers required to appear for examinations. Officers not on active duty authorized to appear before a Board of Officers or to appear for examination

(physical or professional) for promotion in accordance with the provisions of § 8.3101 are required to appear without expense to the Government.

Sections 8.3202 and 8.3203 are stricken

Section 8.5303 (a) is amended to read as follows:

§ 8.5303 Training duty without pay. (a) Reservists who desire to perform training or other duty without pay or allowances may apply to the district commander of their district. District commanders are authorized to approve such requests when the duty is to be performed at activities or aboard vessels within their jurisdiction. In the case of requests for training duty without pay in other districts or aboard vessels outside their jurisdiction, district commanders receiving the requests will forward same with recommendation to the district commander concerned for approval or disapproval and submission to Headquarters for action.

Section 8.7101 is amended to read as

§ 8.7101 Active duty and training duty pay and allowances, commissioned officers, chief warrant officers, warrant officers and enlisted men. Commissioned officers, chief warrant officers, warrant officers, and enlisted men of the Reserve when engaged on active duty, on active duty while undergoing training, on training duty with pay, or when engaged in authorized travel to or from such duty, shall receive the same pay and allowances as are received by commissioned officers, chief warrant officers, warrant officers, and enlisted men of the Naval Reserve of the same rank, grade, rating and length of service. In determining length of service for pay purposes there shall be included, (a) All periods of active duty, except active duty while undergoing training; (b) All other service for which credit for pay purposes is given to members of the regular Coast Guard.

Section 8.7103 is amended to read as follows:

§ 8.7103 Pay for the 31st day of the month. When members of the Reserve perform active duty, training duty with pay, or active duty undergoing training, including time spent in traveling to and from such duty, for a period of 30 days or less, such duty performed on the 31st day of the month shall be paid for at the same rate as for other days.

Section 8.7104 is amended to read as

§ 8.7104 Reservists in travel status entitled to pay. The pay status of members of the Reserve ordered to active duty or training duty with pay begins at any hour prior to midnight on which they are ordered to entrain for such

duty, and ends at midnight on the day on which they could have reached their homes by the shortest usually traveled route after release from such duty.

Section 8.7106 is amended by adding the following sentence at the end thereof:

When authorized training or other duty without pay is performed officers may be furnished with transportation to and from such duty, with subsistence en route.

Section 8.7107 is amended by adding the following sentence at the end thereof:

§ 8.7107 Travel allowances, enlisted men. * * * When authorized training or other duty without pay is performed enlisted men may be furnished with transportation to and from such duty, with subsistence enroute.

Section 8.7108 is amended by revising the last sentence thereof to read as follows:

§ 8.7108 Transportation of dependents. * * * They are entitled to transportation of dependents at Government expense from home to place of reporting for active duty, and from place of release from active duty to home.

Section 8.7109 is amended to read as follows:

§ 8.7109 Transportation of household effects. (a) Commissioned officers, chief warrant officers, warrant officers, and enlisted men of the first, second, and third, pay grades of the Reserve while on active duty are entitled to transportation of household goods at Government expense upon permanent change of station as prescribed in Coast Guard Pay and Supply Instructions for officers and enlisted men of similar ranks, grades, and ratings of the regular Coast Guard. Enlisted men of the Reserve are entitled to transportation of household effects at Government expense from home to place of reporting for active duty and from place of release from active duty to home under the same conditions and subject to the same limitations prescribed for enlisted men of the regular Coast Guard upon permanent change of station.

(b) Officers of the Reserve are entitled, when called to active duty, and release therefrom, to transportation of household effects as prescribed for officers of the regular Coast Guard upon permanent change of station.

Section 8.7110 is amended to read as follows:

§ 8.7110 Subsistence and rations.

(a) Commissioned officers, chief warrant officers, and warrant officers of the Reserve while in pay status, are entitled to the subsistence allowance prescribed for their respective pay periods or ranks in Pay and Supply Instructions.

(b) Enlisted men of the Reserve while on active duty, training duty with pay, or

active duty while undergoing training are entitled to rations in kind, commuted rations, or subsistence allowances as prescribed in Pay and Supply Instructions for enlisted personnel of the regular Coast Guard attached to the unit at which such duty is performed.

(c) When authorized by Headquarters. subsistence in kind will be furnished enlisted men while performing authorized training duty without pay and subsisted in general mess. The commanding officer of the vessel or unit at which such duty is performed will inform the district commander of the estimated total cost of subsistence for each man performing training duty without pay. The costs for subsistence furnished in this manner will not be charged to the district commander's allotment under the Reserve appropriation. The district com-mander's reports of training, however, will include an estimate as to the total cost of such subsistence.

(d) Officers and enlisted men of the Reserve when detailed to training duty without pay may be furnished a ration in kind, commuted ration, or subsistence allowance as may be prescribed by Headquarters.

Section 8.7111 (a) is amended by inserting the words "or ranks" after the words "pay periods".

Section 8.7112 (a) is amended to read as follows:

§ 8.7112 Uniform allowances. (a) Upon first reporting for active or training duty with pay, at a location where uniforms are required to be worn, commissioned or warrant officers of the Reserve shall be paid a sum not to exceed \$100 as reimbursement for the purchase of the required uniforms and thereafter shall be paid an additional sum of \$50 for the same purpose upon completion of each period of 4 years in the Reserve except that this latter amount of \$50 shall not become due any officer until called to active or training duty after the completion of the previous 4 year period.

Section 8.7112 is further amended by adding the following paragraphs (d), (e), and (f):

(d) In addition to the uniform allowance authorized in paragraph (a) of this section, officers of the Coast Guard Reserve, upon first reporting for active duty during time of war or national emergency, shall be paid a further sum of \$150 for the purchase of required uniforms. Crediting of this additional sum shall be effected in the same manner as is prescribed for the regular uniform allowance.

(e) In time of war or national emergency, enlisted men of the Reserve, upon first reporting for active duty shall be credited with uniform allowances in the same amount as prescribed as clothing bounty for enlisted men of the regular Coast Guard upon original enlistment.

Enlisted men of the Coast Guard Reserve, upon reporting for active duty in time of war or national emergency who have been previously credited with clothing allowance, may be issued without cost such additional articles of uniform and bedding as may be necessary to complete their outfits, such issues not to exceed in value the amount prescribed as clothing bounty for enlisted men of the regular Coast Guard upon original enlistment.

(f) Items of uniform clothing, bedding and equipment issued to members of the Coast Guard Reserve under authority of the preceding articles will remain the property of the Government. Upon separation from the Service the Reservist may be required by his commanding officer to return the clothing so issued. When clothing is turned in, a credit shall be made in the man's service record and, in addition, the officer carrying the clothing account shall be notified of such return.

Section 8.7201 (b) is amended to read as follows:

§ 8.7201 Compensation for injury, under United States Employees' Compensation Commission.

*

(b) Any reservist, other than a temporary reservist, who if called or ordered into extended active service in excess of thirty days, suffers disability or death in line of duty from disease or injury while so employed shall be deemed to have been in the active service of the Coast Guard during such period, and such reservist or his beneficiaries shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for members of the Naval Reserve who suffer disability or death under similar conditions. Any such reservist who is also eligible for a pension under the provisions of § 8.7202 or compensation from the United States Employees' Compensation Commission as set forth in paragraph (a) of this section shall elect which benefit he shall receive.

Section 8.7205 (c) is amended to read as follows:

§ 8.7205 Certificate for disability allowance.

(c) The following affidavit will be required of every Reservist upon reporting for active duty or training duty with or without pay:

I. U. S. Coast Guard Reserve, being first duly sworn, upon oath depose and say that I am not drawing, nor have I a claim pending for a pension, disability allowance, disability compensation, or retired pay from the Government of the United States.

Subscribed and sworn to before me this day of _____, 19____.

(Signature and Official Title)

Section 8.7205 is further amended by adding the following new paragraph (d).

(d) Upon being furnished the foregoing affidavit the officer to whom the Reservist reports for active or training duty, shall indorse on all copies of the Reservist's orders, the following cerificate:

I certify that the above-named officer has executed the required affidavit stating that he is not drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States.

R. R. WAESCHE, Rear Admiral, U. S. Coast Guard, Commandant,

Approved: December 13, 1941.

James V. Forrestal,

Acting Secretary of the Navy.

[F. R. Doc. 41-9763; Filed, December 26, 1941; 1:35 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COM-MERCE COMMISSION

PART 0-ORGANIZATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23d day of December, A. D. 1941.

Section 17 of the Interstate Commerce Act, as amended, being under consideration:

It is ordered, That § 0.4, Assignment of duties to individual Commissioners, be amended by adding the following:

§ 0.4 Assignment of duties to individual Commissioners.

(10a) The Commissioner to whom the Bureau of Motor Carriers reports: The work, business, and functions of granting temporary operating authority to common or contract carriers by motor vehicle under section 210a (a) of the Interstate Commerce Act are assigned and referred to Commissioner John L. Rogers as an individual Commissioner in addition to the assignment of authority under said section to Division Five of the Commission in the Commission's order of November 15, 1940 (§ 0.2 of this part). (Sec. 17, 24 Stat. 385, sec. 6, 25 Stat. 861, sec. 2, 40 Stat. 270, secs. 430-432, 41 Stat. 492, 493, 47 Stat. 1368, sec. 12, 54 Stat. 913; 49 U.S.C. 17)

And it is further ordered, That this order shall continue in effect until the further order of the Commission.

By the Commission.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 41-9811; Filed, December 29, 1941; 11:57 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 5th day of December, A. D. 1941.

The subject of the requirement of annual reports from steam railway companies being under consideration, the following order was entered:

It is ordered, That the order of this Commission dated February 6, 1941, In the Matter of Annual Reports from Steam Railway Companies of Class III, and corresponding sections of the code of Federal Regulations be, and hereby are annulled, effective January 1, 1942, and the following order shall become effective:

§ 120.12 Form prescribed for small steam roads. It is ordered, That (a) All steam railway companies of Class III, excluding switching and terminal companies, subject to the provisions of Section 20, Part I, of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ended December 31, 1941, and for each succeeding year until further order. in accordance with Annual Report Form C1 (Small Roads), which is hereby approved and made a part of this order. (Sec. 20, 24 Stat. 386, Sec. 7, 34 Stat. 593, 35 Stat. 649, Sec. 14, 36 Stat. 555, Sec. 1, 38 Stat. 1196, 39 Stat. 441, Secs. 434-438, 41 Stat. 493, 494, 49 U.S.C. 20 (1)-(10))

(b) The annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 1.

[SEAL] W. P. BARTEL,

Secretary.

[F. R. Doc. 41-9812; Filed, December 29, 1941; 11:58 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 5th day of December, A. D. 1941.

The subject of the requirement of annual reports from switching and terminal companies being under consideration, the following order was entered:

It is ordered, That the order of this Commission dated November 26, 1940, In the Matter of Annual Reports from Switching and Terminal Companies of Class III, and corresponding sections of the code of Federal Regulations be, and hereby are annualled, effective January 1,

1942, and the following order shall become effective:

§ 120.13 Form prescribed for small switching and terminal companies. It is ordered, that (a) All switching and terminal companies of Class III subject to the provisions of Section 20, Part I. of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ended December 31, 1941, and for each succeeding year until further order, in accordance with Annual Report Form D¹ (Small Switching and Terminal Companies), which is hereby approved and made a part of this order. (Sec. 20, 24 Stat. 386, Sec. 7, 34 Stat. 593, 35 Stat. 649, Sec. 14, 36 Stat. 555, Sec. 1, 38 Stat. 1196, 39 Stat. 441, Secs. 434-438, 41 Stat. 493, 494, 49 U.S.C. 20 (1)-(10))

(b) The annual report shall be filed in duplicate in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 1.

W. P. BARTEL, Secretary.

[F. R. Doc. 41-9813; Filed, December 29, 1941; 11:58 a. m.]

Notices

TREASURY DEPARTMENT.

Office of the Secretary.

[T.D. 50536]

PROCEDURE FOR ADMINISTERING THE DUTIES IMPOSED UPON THE SECRETARY OF THE TREASURY BY ARTICLES XI AND XIII OF EXECUTIVE ORDER NO. 2729-A, DATED OCTOBER 12, 1917, UNDER THE TRADING WITH THE ENEMY ACT, ACT OF OCTOBER 6, 1917.

DECEMBER 24, 1941.

By virtue of the authority vested in the Secretary of the Treasury by Executive Order No. 2729-A, dated October 12, 1917, I hereby adopt the following administrative procedure deemed necessary and proper for the executive administration of Article XI, vested by said Executive Order in the Secretary of the Treasury; such administrative procedure to remain in effect unless and until modified or superseded by direction of the Secretary of the Treasury.

(1) I hereby designate the Office of Censorship to act as the agency of the Secretary of the Treasury to administer the authority vested in the Secretary of the Treasury relative to the sending, taking, or transmitting, or attempting to

^{*} Filed as part of the original document.

¹ See T.D. 50525, 6 F.R. 6404.

send, take, or transmit, out of the United States, and to issue licenses and exemptions under such regulations or conditions as the said Office may from time to time prescribed, to send, take, or transmit out of the United States, any letter, or other writing, book, map, plan, or other paper, picture, or any telegram, cablegram, or wireless message, or other form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy. All applications for such licenses shall be made to the Office of Censorship in the form prescribed by it.

(2) I hereby designate the Bureau of Customs in the Department of the Treasury to administer and to issue licenses (except licenses to send, take, or transmit out of the United States any letter, writing, or tangible form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy) in respect of the authority vested in the Secretary of the Treasury under Article XI of said Executive Order relative to sending, or taking out of, or bringing into, or attempting to send, take out of, or bring into, the United States any letter or other writing or tangible form of communication except in the regular course of the mail.

[SEAL] HENRY MORGENTHAU, Jr., Secretary of the Treasury.

Approved: December 26, 1941.

THE WHITE HOUSE, FRANKLIN D ROOSEVELT

[F. R. Doc. 41-9799; Filed, December 29, 1941; 11:14 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-721-Part II]

PETITION OF DISTRICT BOARD 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1193 OF DISTRICT NO. 3

ORDER GRANTING RELIEF

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Eugene L. Campbell, J. H. Baker, R. C. Catlette, Bruce Wiseman, Jake A. Neal, Lee Matheny, individuals, and Odell & Perkins, a partnership, code members in District No. 3, requesting that the minimum f. o. b. mine prices for shipments by truck established for the Duffey Mine (Mine Index No. 1193) of A. B. Holcomb, in District No. 3, be increased for coals in Size Group 2 from \$2.38 to \$2.48, in Size Group 5 from \$2.03 to \$2.23, and in Size Group 7 from \$1.73 to \$1.93 per net ton;

A hearing in this matter having been held, pursuant to Orders of the Director and after due notice to all interested persons, before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Clarksburg. West Virginia, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record thereupon submitted to the undersigned:

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order, the Schedule of Effective Minimum Prices for District No. 3 for Truck Shipments be and it hereby is amended by increasing the effective minimum f. o, b. mine prices for the coals produced at the Duffey Mine (Mine Index No. 1193) of A. B. Holcomb, in District No. 3, from \$2.38 to \$2.48 for coals in Size Group 2, from \$2.03 to \$2.23 for coals in Size Group 5, and from \$1.73 to \$1.93 for coals in Size Group 7.

Dated: December 27, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9793; Filed, December 29, 1941; 10:56 a. m.]

[Docket No. D-3]

IN THE MATTER OF THE APPLICATION OF THE AKRON COAL COMPANY FOR PERMISSION TO RECEIVE SALES AGENT'S COMMISSION AND DISTRIBUTOR'S DISCOUNTS ON COAL SOLD TO J. P. LOOMIS COAL AND SUPPLY COMPANY

NOTICE OF AND ORDER FOR POSTPONEMENT
OF HEARING

The petitioner having requested that the hearing in the above-entitled matter, heretofore scheduled for January 12, 1942, be postponed to January 15, 1942, and having shown good cause why such request should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10:00 in the forenoon of January 12, 1942, until 10:00 in the forenoon of January 15, 1942, at the place and before the officers heretofore designated.

Dated: December 27, 1941.

[SEAL]

Dan H. Wheeler, Acting Director.

[F. R. Doc. 41-9794; Filed, December 29, 1941; 10:56 a. m.]

[Docket No. 1700-FD]

IN THE MATTER OF T. E. LUMAN, DEFENDANT
ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated June 2, 1941, having been filed herein by the Bituminous Coal Producers Board for District No. 4 on June 16, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by T. E. Luman, Route 2, Roseville, Ohio, of the Bituminous Coal Code and rules and regulations thereunder; and

The Director on October 31, 1941, having made Findings of Fact, Conclusions of Law and Opinion, and entered an Order based thereon revoking the code membership of T. E. Luman after a hearing held in the above-entitled matter on September 19, 1941, at Zanesville, Ohio, pursuant to an Order of the Acting Director dated July 18, 1941, and said Order of Revocation having been duly served upon T. E. Luman on November 8, 1941; and

Said T. E. Luman having filed with the Division as provided in section 5 (c) of the Act his application dated December 16, 1941, for restoration of code membership; and

It appearing from said application that T. E. Luman on November 14, 1941, paid to the Collector of Internal Revenue at Columbus, Ohio, the sum of forty-three dollars and sixty-seven cents (\$43.67), as provided in said Order of October 31, 1941, as a condition precedent to restoration of his code membership;

Now, therefore, it is ordered, That said application of T. E. Luman dated December 16, 1941, for restoration of his code membership be granted and that the code membership of T. E. Luman be and hereby is restored as of November 14, 1941.

Dated: December 26, 1941.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 41-9795; Filed, December 29, 1941; 10:56 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Service.

[P. & S. Docket No. 298]

IN THE MATTER OF THE ST. JOSEPH STOCK YARDS COMPANY, RESPONDENT-PETI-TIONER

NOTICE OF PETITION FOR MODIFICATION AND ORDER

On October 15, 1941, the petitioner, The St. Joseph Stock Yards Company, of St. Joseph, Missouri, a stockyard duly posted under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. and Sup. V, §§ 181-231), filed a petition praying for a temporary modification of the orders heretofore entered in this docket on May 4, 1934, August 14, 1936, and April 13, 1938, prescribing schedules of rates and charges for the services rendered by the petitioner, and for an increase in rates and charges for its services. A supplemental petition was filed on November 3, 1941. The reasons alleged in support of the petition for the modification sought are, in substance, as follows:

1. It was estimated, under the schedule of rates prescribed by the Secretary in the order of May 4, 1934, that the estimated volume of receipts would produce a gross revenue of \$621,831 annually, resulting in a fair return of \$192,010.

2. The volume of receipts of livestock of the respondent and the revenue produced therefrom for the year 1941 will be substantially less than the receipts and the revenue producible therefrom estimated in the order of May 4, 1934.

3. Under the volume of receipts estimated by the petitioner for the year 1941. the net income produced therefrom will be \$95,526.64, or \$96,483.36 less than the fair net operating income estimated in the order of May 4, 1934.

4. The petitioner during the year 1941 has granted two wage increases, the effect of which has been to increase its payroll \$18,000 per year.

It appears that an opportunity for a hearing should be afforded to the petitioner and to all other interested persons including the patrons of the petitioner, for the purpose of determining whether the orders heretofore entered in this proceeding should be modified.

Therefore, by direction of the secre-

It is ordered, That the petitioner and all other interested persons, including patrons of the petitioner, shall be given an opportunity to be heard and to present such evidence as may be relevant and material to the matters alleged in

It is further ordered, That all interested persons who desire to be heard shall give notice thereof by filing a petition with the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., within 15 days from the date of the publication of this order

It is further ordered, That a copy of this notice and order shall be served upon The St. Joseph Stock Yards Company, of St. Joseph, Missouri.

It is further ordered. That a copy of this notice and order shall be published in the Federal Register.

Done at Washington, D. C., this 24th day of December 1941.

[SEAL]

H. E. REED. Acting Chief. Agricultural Marketing Service.

[F. R. Doc. 41-9791; Filed, December 29, 1941; 10:53 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFI-CATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Cer-

tificates authorizing the employment of

learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203)

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748)

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829). Knitted Wear Learner Regulations.

October 10, 1940 (5 F.R. 3982). Millinery Learner Regulations, Cus-

tom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753)

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 29, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EX-PIRATION DATE

Apparel

Ideal Manufacturing Company, 220 Franklin Street, Johnstown, Pennsylvania; Ladies' Belts (Silk Covered), Pleating, Covered Buckles; 5 learners (T): December 29, 1942.

L. D. Fellman, Harleysville, Pennsylvania; Men's Pants; 5 learners (T); December 29, 1942. (This certificate replaces one issued bearing expiration date of December 18, 1942.)

Foster Brothers Sportswear Company, Inc., 21st Street and Hunting Park Avenue, Philadelphia, Pennsylvania; Men's Sportswear, Parkas, Field Jackets, Women's Beachwear; 50 learners (T); April 27, 1942.

Oak Brand Manufacturing Company, 1014 Farnam Street, Omaha, Nebraska; Men's and Boys' Sportswear; 5 learners (T); December 29, 1942.

Utica Knitting Company, Mill No. 8, 1712 Erie Street, Utica, New York; Men's and Boys' Woven Underwear; 5 percent (T); December 29, 1942.

Single Pants, Shirts and Allied Garments and Women's Apparel

The Bayly-Underhill Manufacturing Company, 658 Kennedy Street, Oakland, California; Uniform Pants and Shirts: 10 percent (T); December 29, 1942.

Broom and Newman, 21 Washington Street, Carteret, New Jersey; Sport Shirts and Pajamas; 10 percent (T); December 29, 1942.

Caroline Sportswear Company, 74 West Palisade Avenue, Englewood, New Jersey; Ladies' Blouses and Slacks; 10 percent (T); December 29, 1942.

Forest City Manufacturing Company, 701 West Main Street, Collinsville, Illinois; Dresses; 10 percent (T); December 29, 1942

Forest City Manufacturing Company, 1627 Washington Avenue, St. Louis, Missouri; Dresses; 10 percent (T); December 29, 1942.

Lafayette Pants Company, 401 Lafayette Boulevard, Fredericksburg, Virginia; Single Pants; 10 percent (T); December

A. F. Martin Manufacturing Company, Tipton, Missouri; Pants, Shirts, Army Trousers; 10 percent (T); December 29,

Mayfield Dress Company, 606 Poplar Street, Mayfield, Pennsylvania; Dresses; 10 learners (T); December 29, 1942.

Mayflower Dress Company, Inc., 850 Frelinghuysen Avenue, Newark, New Jersey; Dresses; 15 learners (T); December

Morton Manufacturing Company, 1304 Arch Street, Philadelphia, Pennsylvania; Play Suits, Slack Suits, Bathing Suits; 15 learners (E); May 18, 1942.

Piccadilly Frocks, 17-19 South Street, Freehold, New Jersey; Dresses; 5 learners (T); December 29, 1942.

Rosenau Brothers, Inc., W. Patterson Street, Lansford, Pennsylvania; Children's Dresses; 50 learners (E); April 13, 1942.

Sally Dress Company, Inc., 52 Ryle Avenue, Paterson, New Jersey; Dresses; 36 learners (E); June 29, 1942.

Shenandoah Manufacturing Company, Inc., Washington and Bower Streets, Shenandoah, Pennsylvania; Ladies' Dresses, Blouses, Housecoats: 10 percent (T); December 29, 1942.

Sherrod Shirt Company, 1624 N. Main Street, High Point, North Carolina; Work Shirts and Men's Pajamas; 10 percent (T); December 29, 1942.

Sunshine Clothing Manufacturing Company, Inc., 210 West Commerce Street, San Antonio, Texas; Men's Shirts and Trousers; 10 percent (T); December 29, 1942.

Troy Clothing Company, Inc., 750 Second Avenue, Troy, New York; Pants,

No. 252-4

Overalls, etc.; 10 learners (T); December 29, 1942.

Ware Shoals Manufacturing Company, Ware Shoals, South Carolina; Ladies' Flannel Gowns, Men's Shirts; 10 percent (T); December 29, 1942.

Hosiery

Rollins Hosiery Mills, Inc., East 28th and Dean Streets, Des Moines, Iowa; Full Fashioned Hosiery; 5 percent (T); December 29, 1942.

Knitted Wear

Claybrooke Knitting Mills, Hanover and South Streets, Pottstown, Pennsylvania; Knitted Outerwear; 2 learners (T); December 29, 1942.

Laros Textiles Company, Broad and Wood Streets, Bethlehem, Pennsylvania; Knitted Underwear; 5 learners (E); April 27, 1942.

Herman I. Zacharia and Brothers. 596 Broadway, New York, New York; Knitted Underwear; 5 learners (T); April 13 1942.

Millinery

Dave Herstein Company, Inc., 711 Fifth Avenue, New York, New York; Custom-Made Millinery; 5 learners (T); December 29, 1942.

Textile

Carolina Mills, Inc., Plant #2, Newton, North Carolina; Carded Cotton Yarns; 3 percent (T); December 29, 1942.

Louis Messer Silk Company, 185 Sixth Avenue, Paterson, New Jersey; Dress Goods; 1 learner (T); December 29,

Utica Knitting Company, Mill No. 5, Sherburne, New York; Cotton Yarns; 3 percent (T); December 29, 1942.

Utica Knitting Company, Mill No. 4. Erie Street, Utica, New York; Cotton Yarns; 3 percent (T); December 29, 1942.

Ware Shoals Manufacturing Company, Ware Shoals, South Carolina; Cotton Goods; 3 percent (T); December 29, 1942.

Signed at Washington, D. C., this 29th day of December 1941.

Merle D. Vincent,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-9803; Filed, December 29, 1941; 11:51 a. m.]

Notice of Granting of Exception to Hood Rubber Co., Inc.

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Hood Rubber Company, Inc., Watertown, Massachusetts, relief from the necessity of preserving for two years those records referred to in § 516.15, paragraph (a) (1), including work

tickets, production and time records, on condition that the individual employees' weekly totals of production and hours of employment secured from those primary records, are entered on their posting sheets and those sheets are preserved as Basic Employment and Earning Records in accordance with § 516.15, paragraph (a) (1).

This authority is subject to voidance for misrepresentation and revocation for

Signed at Washington, D. C. this 27th day of December 1941.

BAIRD SNYDER III, Acting Administrator.

[F. R. Doc. 41-9804; Filed, December 29, 1941; 11:51 a. m.]

NOTICE OF POSTPONEMENT OF FURTHER HEARING ON THE HOME WORK PROBLEM IN THE WOMEN'S APPAREL INDUSTRY

Whereas, in accordance with notice of further hearing published in the Federal Register for November 18, 1941, a public hearing was scheduled to be held on January 13, 1942, before Major Robert N. Campbell as Presiding Officer in Washington, D. C., for the purpose of taking further evidence on the following question:

What, if any prohibition, restriction or regulation of home work in the women's apparel industry is necessary to carry out the purposes of the wage order effective September 29, 1941, to prevent the circumvention or evasion of such order, and to safeguard the 40-cent minimum wage rate established therein; and

Whereas it is deemed advisable to postpone such hearings;

Now, Therefore, notice is hereby given that:

1. The hearing on the home-work problem in the women's apparel industry is postponed to February 16, 1942, at 10 a.m., in room 3229 of the United States Department of Labor Building at Washington, D. C.

2. The date before which any interested person wishing to appear and offer evidence at said hearing must file a notice of his intent to appear is advanced from December 23, 1941, to not later than February 7, 1942. The hearing will be conducted in accordance with the rules and procedure issued for the original hearing in a Notice of Hearing published in the Federal Register on July 1, 1941, and incorporated by reference in the Notice of Further Hearing published in the Federal Register on November 18, 1941.

Signed at Washington, D. C., this 19th day of December 1941.

BAIRD SNYDER III, Acting Administrator.

[F. R. Doc. 41-9805; Filed, December 29, 1941; 11:51 a. m.]

NOTICE OF POSTPONEMENT OF THE HEARING
TO DETERMINE THE REASONABLE COST
TO THE PIEDMONT COTTON MILLS, INCORPORATED, AND TO ANY AFFILIATED PERSONS, OF LODGING AND OTHER FACILITIES
CUSTOMARILY FURNISHED TO THE EMPLOYEES OF THE PIEDMONT COTTON
MILLS, INCORPORATED

Whereas, on December 3, 1941, the Administrator signed a Notice providing for a public hearing to be held on January 9, 1942 in the Henry Grady Hotel, Atlanta. Georgia, pursuant to § 531.2 of the Regulations Determining the Reasonable Cost of Board, Lodging and Other Facilities. Regulations, Part 531, as amended, Title 29, Chapter V, Code of Federal Regulations, to determine the reasonable cost to the Piedmont Cotton Mills, Incorporated, Egan, Georgia, and to any affiliated persons, within the meaning of § 531.1 (a) of Regulations, Part 531, of lodging or other facilities customarily furnished to the employees of the Piedmont Cotton Mills, Incorporated, and

Whereas, it now appears advisable to postpone that hearing to January 30, 1942.

Now, therefore, Notice is hereby given that the hearing referred to above will be held on January 30, 1942, at 10 a.m. in the Henry Grady Hotel, Atlanta, Georgia, before Gustav Peck, Presiding Officer designated as the authorized representative of the Acting Administrator.

The time for filing notice of intention to appear with Mr. J. R. McLeod, Regional Director, 5th Floor, Witt Building, 249 Peachtree Street, Atlanta, Georgia, is herewith extended to not later than January 29, 1942.

Upon the publication of this Notice of Postponement, the Piedmont Cotton Mills, Incorporated, shall notify its employees of the postponement of the hearing by posting supplementary Notices in a form prescribed by the Wage and Hour Division, in conspicuous places on its premises.

Signed at Washington, D. C. this 27th day of December, 1941.

BAIRD SNYDER III, Acting Administrator.

[F. R. Doc. 41-9806; Filed, December 29, 1941; 11:51 a. m.]

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF THE DETERMINATION IN THE MATTER OF THE APPLICATION FOR QUALIFICATION OF THE EXEMPTION THAT HAS BEEN GRANTED TO THE OPEN-CUT MINING OF PLACER GOLD FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE

Whereas after a hearing was held in Washington, D. C. on June 19 and 20, 1939, before Mr. Harold Stein, a duly authorized representative of the Administrator of the Wage and Hour Division, the said Harold Stein duly issued findings and determination (4 F.R. 4588), in which he found that the open-cut mining of placer gold in the States of Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, Wyoming, and the Territory of Alaska is a branch of an industry of a seasonal nature, within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Part 526, as amended, of the regulations issued thereunder; and

Whereas no petition for review of such findings and determination having been filed with the Administrator within the fifteen days allowed under the said regulations, the exemption for the open-cut mining of placer gold in the States of Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, Wyoming, and the Territory of Alaska, was made effective by the Administrator on January 3, 1940 (5 F.R. 24), pursuant to § 526.7 of the regulations; and

Whereas pursuant to § 526.5 (c) of the regulations, the Administrator determined on April 2, 1940, (5 F.R. 1284) that a prima facie case had been shown for extending the section 7 (b) (3) exemption to the open-cut mining of placer gold in the State of Colorado as part of the branch of the open-cut placer gold mining industry that had been found to be of a seasonal nature; and

Whereas no objection or request for hearing was received within the fifteen days allowed under the said regulations, the Administrator on April 30, 1940, (5 F.R. 1602) found on the prima facie case, pursuant to § 526.5 (b) (ii) of the regulations, that the open-cut mining of placer gold in the State of Colorado is a part of the branch of the open-cut placer gold mining industry that had been found to be of a seasonal nature, pursuant to section 7 (b) (3) of the act, and Part 526 of the regulations issued thereunder; and

Whereas applications were thereafter received from the International Union of Operating Engineers, Local No. 375, Butte, Montana; the International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, Local No. 412 and Joint Council No. 23, Butte, Montana; and the Helena, Montana Building and Construction Trades Council, to exclude the open-cut mining of placer gold by means of power machinery from the exemption that had previously been granted; and

Whereas the Administrator then gave notice of a public hearing to be held at the Finlen Hotel, Butte, Montana, on May 21, 1941, before Mr. Harold Stein, an authorized representative of the Administrator, who was authorized to take testimony, hear argument, and determine:

Whether the mining of placer gold from surface or open-cuts by means of bucket dredges, draglines, and other methods employing power machinery in the States of Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, Wyoming, and the Territory of Alaska:

(1) Was properly included within the seasonal exemption granted to the placer gold mining industry in the abovedefined area, and

(2) If not, whether it is a separable branch of the placer gold mining industry and of a seasonal nature within the meaning of Part 526 of the regulations; and

Whereas following such hearing the said Harold Stein duly made his findings of fact and determined as follows:

1. There exist separable branches of the placer gold mining industry which are identified by the various methods used to excavate and move the gravel.

2. Placer gold mines employing power machinery to mechanically excavate and move the gravel, within the Territory of Alaska, generally cease operations completely during regularly, recurring times of the year for periods of six months or more, because, due to climatic or other natural conditions, the gravels handled by the industry are not available in the form in which they are normally handled.

3. The open-cut mining of placer gold by means of power machinery in the Territory of Alaska is a branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended, of the regulations issued thereunder, and was properly included in the exemption granted on January 3. 1940.

4. About ninety percent of all the placer gold produced by open-cut placer gold mines employing power machinery to excavate and move the gravel within the States of Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington and Wyoming, is produced by those placer mines which, through the use of power machinery, are able to overcome climatic and other natural conditions. These mines, employing power methods, generally operate in excess of six months during each calendar year and maintain an operating season which has no reasonable relation to the fourteen week exemption provided in section 7 (b) (3) of the Fair Labor Standards Act.

5. The open-cut mining of placer gold by means of power machinery within the States of Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington and Wyoming is a branch of an industry, but is not of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended, of the regulations issued thereunder, and should not have been included in the seasonal exemption granted to the opencut mining of placer gold in the abovementioned states.

Whereas said findings and determination were duly filed with the Administrator on December 8, 1941, and are now on file in Room 5418, Department of Labor Building, Washington, D. C., and are available for examination by all interested parties;

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date that this notice appears in the Federal Register, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing held before the said representative.

Signed at Washington, D. C., this 5th day of December 1941.

BAIRD SNYDER III, Acting Administrator.

[F. R. Doc. 41-9807; Filed, December 29, 1941; 11:52 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5737]

IN THE MATTER OF KANSAS CITY POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

DECEMBER 26, 1941.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the aboveentitled matter;

The Commission orders that: The hearing in the above-entitled matter heretofore set for January 3, 1942, be and it is hereby postponed to March 9, 1942, at 9:45 a. m., in Jury Room 664, United States Court House, Kansas City, Missouri.

By the Commission.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 41-9774; Filed, December 27, 1941; 10:07 a. m.]

[Project No. 1853]

IN THE MATTER OF FIRST IOWA HYDRO-ELECTRIC COOPERATIVE

ORDER CHANGING PLACE OF HEARING

DECEMBER 24, 1941.

Upon application filed December 15, 1941, by the State of Iowa, intervener, for a change of place of the hearing fixed by the Commission on November 4, 1941, in this matter; and

It appearing that: The application points out the crowded hotel accommodations in Washington which have been aggravated by the state of war, difficulties in securing transportation for the large number of witnesses and the expense to which the State and its witnesses would be put in coming to Washington;

The Commission finds that: The convenience of witnesses and parties directly interested in the proceeding will be served, and the conduct of the hearing expedited by the change in the place of hearing as hereinafter provided; and

It is ordered that: The hearing heretofore set in the above-entitled proceeding to be held on January 12, 1942, in Washington, D. C., be held on January 12, 1942, at 10:00 o'clock a. m., in the court room of the Federal Building, in Davenport, Iowa.

By the Commission.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 41-9775; Filed, December 27, 1941; 10:07 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE DEPARTMENT OF EM-PLOYMENT SECURITY OF THE STATE OF COLORADO PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The Department of Employment Security of the State of Colorado having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Colorado Employment Security Act; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code:

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Department of Employment Security of the State of Colorado.

[SEAL] SOCIAL SECURITY BOARD, A. J. ALTMEYER,

Chairman.

DECEMBER 19, 1941.

Approved:

Paul V. McNutt, Administrator.

DECEMBER 24, 1941.

[F. R. Doc. 41-9762; Filed, December 26, 1941; 1:23 p. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex parte No. 148]

IN THE MATTER OF THE PETITION OF RAIL-ROADS TO INCREASE THEIR RATES, FARES, AND CHARGES

DECEMBER 27, 1941.

The following additional petitions which have been filed since the notices of December 15 and 18, 1941, are assigned for hearing at Hotel Morrison, Chicago, Illinois, before Commissioners Aitchison, Mahaffie, and Splawn, January 5, 1942, at 10 o'clock a. m.

1. Petition, dated December 18, 1941, to amend original petition, filed by Class I railroads of the United States and other railroads. It amends the original petition in certain respects.

2. Petition, dated December 22, 1941, filed by the American Short Line Railroad Association, for authority to increase the freight rates, charges, and passenger fares of its members in the same manner and to the same extent as is requested in the original petition filed by Class I railroads.

3. Petition, dated December 16, 1941, of Agwilines, Inc. (Clyde-Mallory Lines), Merchants and Miners Transportation Company, Ocean Steamship Company of Savannah, Eastern Steamship Lines, Inc., Baltimore Steam Packet Company, The Bull Steamship Line, Pan-Atlantic Steamship Corporation, Colonial Navigation Company, Norfolk, Baltimore and Carolina Line, Inc., North Carolina Line, Inc., and Norfolk & Washington, D. C. Steamboat Company, common carriers by water operating to and from ports on the Atlantic and Gulf coasts, tributary waters, and Chesapeake Bay, for authority to increase rates, fares, and charges in the manner prayed for by Class I railroads in their original petition.

4. Petition, dated December 17, 1941, of the South Omaha Terminal Railway Company, a Class II switching and terminal railroad, for authority to increase its charges in such amounts as are prayed in the original petition of Class I carriers for freight accessorial charges.

5. Petition, dated December 22, 1941, filed by Inland Waterways Corporation, for authority to increase its rates and charges

6. Petition, dated December 23, 1941, filed on behalf of The Bull Steamship Line, Pan-Atlantic Steamship Corporation, Seatrain Lines, Inc., and Southern Steamship Company, common carriers by water, for authority to increase their rates, fares, and charges for the transportation of property between various ports on the Atlantic and Gulf of Mexico coasts, and via said ports to and from points served by connecting water carriers, railroad companies, and motor vehicle.

7. Petition, dated December 21, 1941, filed by Peninsula Terminal Company, a Class II terminal railroad, for authority to increase its charges in such amounts as are prayed in the original petition of Class I carriers for freight accessorial charges.

The special instructions and rules of procedure to be followed by the parties in connection with the petitions enumerated in this notice are the same as those described in the notice of December 18, 1941, and the appendix thereto, except in the following respects:

Parties desiring to offer evidence in the form of verified statements (affidavits) dealing with the petitions named in this notice, without personal appearance at the hearing of the affiant as a witness, must send the number of copies of verified statements hereinafter specified to the persons named at Hotel Morrison, Chicago, Ill., on or before January 5, 1942.

(a) 15 (and the signed original) as to each petition described in this notice, addressed to Commissioner Aitchison.

(b) 75 as to petition described in paragraph 1, to R. V. Fletcher.

(c) 5 as to petition described in paragraph 2, to Clarence A. Miller.

(d) 15 as to petitions described in paragraphs 3 and 6, to Frank W. Gwathmey.

(e) 5 as to petition described in paragraph 4, to H. L. VanAmburgh.

(f) 5 as to petition described in paragraph 5, to Nucl D. Belnap.

(g) 5 as to petition described in paragraph 7, to P. R. Wigton.

Any objection to the receipt in evidence of any verified statement must be made on the record at the hearing, and must be furnished to the parties submitting such statements, by counsel for the respective petitioning groups of carriers, before the close of testimony on January 6, 1942.

By the Commission.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 41-9810; Filed, December 29, 1941; 11:57 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 31-510]

IN THE MATTER OF MASSACHUSETTS MU-TUAL LIFE INSURANCE COMPANY

SUPPLEMENTAL ORDER EXTENDING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

The Commission having heretofore on the 27th day of June 1941, granted the Massachusetts Mutual Life Insurance Company an exemption as a holding company from the provisions of the Public Utility Holding Company Act of 1935 for a period of six months from and after said date with respect to its ownership of 10 per centum or more of the voting securities of Indiana Gas & Chemical Corporation, an exempt holding company; and

Said Massachusetts Mutual Life Insurance Company having, on the 19th day of December, 1941, filed an application requesting a six months' extension of said order of exemption; and

The Commission having considered such application and finding that the circumstances upon which the order of exemption was issued still exist and that an extension of the same for a period of six months will not be detrimental to the public interest or the interest of investors or consumers;

It is hereby ordered. That the time during which such order of exemption shall be effective be, and the same hereby is, extended until the 27th day of June,

1942.

It is further ordered, That the jurisdiction of this Commission be and the same is hereby reserved for the purpose of entering such further orders as may from time to time be deemed appropriate.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-9779; Filed, December 27, 1941; 11:43 a. m.]

[File No. 70-414]

IN THE MATTER OF CENTRAL U. S. UTILI-TIES COMPANY, AND ARKANSAS GENERAL UTILITIES COMPANY

ORDER GRANTING APPLICATION AND PERMIT-TING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

The above named parties having filed declarations pursuant to Rule U-43 and Rule U-44 promulgated under sections 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and an application pursuant to Section 10 of said Act; amendments having been filed from time to time; the filings as amended being concerned with

(a) The sale by Central U. S. Utilities Company, a registered holding company, to Walton Sullivan and Company, investment dealers of Little Rock, Arkansas, for a cash consideration of \$325,000, of all of the outstanding capital stock, consisting of 5,000 shares of common stock, no par value, and all of the indebtedness (except certain First Mortgage Bonds hereinafter referred to)

aggregating \$158,628.71, of Arkansas General Utilities Company.

Upon the date of closing Central U. S. Utilities has agreed to surrender to Arkansas General Utilities Company for cancellation \$663,500 principal amount of First Mortgage Series A 6% Bonds, being the total outstanding funded debt of Arkansas General Utilities Company. The consideration of \$325,000 is subject to minor adjustments at the date of closing, such minor adjustments to cover items, such as, unbilled revenues, ice inventory, and Federal Transfer Taxes; and

(b) Central U. S. Utilities Company proposes to acquire from Arkansas General Utilities Company 190 shares of capital stock of Atlantic Utilities Service Corporation for the sum of \$2,517.50, being the cost thereof to Arkansas General Utilities Company.

Notice of said filing having been issued on October 23, 1941, in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said filings within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations to become effective pursuant to Rule U-43 and Rule U-44, promulgated under section 12 (d) and 12 (f); and finding with respect to said application of Central U. S. Utilities Company pursuant to section 10, that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of the Act and that the transaction involved has the tendency required by section 10 (c) (2) of said Act;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 and the additional condition, to which the companies have expressly agreed in their amendment No. 3, that Central U. S. Utilities Company surrender to Arkansas General Utilities Company for cancellation the above described mortgage bonds of Arkansas General Utilities Company, that the application be and the same hereby is granted, and that the declarations be and the same hereby are permitted to become effective.

By the Commission, Commissioner Healy dissenting from that part of the order granting the approval to the application pursuant to Section 10 for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-9780; Filed, December 27, 1941; 11:43 a. m.]

[File Nos. 59-32, 70-455]

IN THE MATTERS OF DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR, RESPONDENTS; AND NORTHEASTERN WATER AND ELECTRIC CORPORATION, DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR, APPLICANTS-DECLARANTS

ORDER GRANTING APPLICATION TO INTER-VENE, DIRECTING HEARING REGARDING CER-TAIN MATTERS, CONSOLIDATING SAID HEAR-ING WITH CERTAIN OTHER PROCEEDINGS, AND POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of December A. D. 1941.

The Commission having previously issued its Notice of and Order for Hearing in the matter of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation. Debtor (File No. 59-32), pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, in which order it was provided, among other things, that the Respondents should show cause why an immediate order should not be entered requiring the divestment by the Respondents of all their interests in companies operating in states other than New York, Pennsylvania, and New Jersey as more fully specified in said order; and

Northeastern Water and Electric Corporation et al. having filed an application with this Commission (File No. 70-455) with respect to various matters. including among other things the disposition by said corporation of the securities which it owns of certain electric properties operating in the State of Ohio, including the securities of The Ohio Northern Public Service Company. to the Trustees of Associated Gas and Electric Corporation, said proposed transaction being in connection with a proposed sale by said Trustees of their interests in the common stock of Northeastern Water and Electric Corporation to John H. Ware, Jr. and Penn-Jersey Water Company, and which application has by previous order of this Commission, entered December 16, 1941, been set for hearing before this Commission on January 5, 1942; and

The City of Bowling Green, Ohio, having filed a request to intervene in said proceedings under section 11 (b) (1) (File No. 59-32) and to be heard as to all matters affecting the interests of said City, and said City having requested specifically that the Commission order the sale of certain electric and water properties located in and about said City of Bowling Green, said properties being operated by The Ohio Northern Public Service Company and The City Water

Company, both of said companies being subsidiaries of Northeastern Water and

Electric Corporation; and

It appearing to the Commission that said request to intervene should be granted, and that specific consideration should be given to the question as to whether an order should be entered directing disposition by the Respondents in said proceedings under section 11 (b) (1) of their interests in the electric properties of The Ohio Northern Public Service Company and of the water properties of The City Water Company;

It further appearing to the Commission that the matters involved in the said proceedings with respect to the application filed by Northeastern Water and Electric Corporation, et al. (File No. 70-455) are related to the request made by said City of Bowling Green in said proceedings under section 11 (b) (1) (File No. 59-32), and that for such purposes a consolidated hearing should be held with respect to said matters;

It appearing further to the Commission that the applicants have requested a postponement of said hearing from January 5, 1942 to January 8, 1942 at 2:00 o'clock P. M., and that said request may appropriately be granted;

It is hereby ordered, That:

1. The request to intervene of the City of Bowling Green, Ohio, be and hereby is granted, and said City of Bowling Green, Ohio, is admitted as a party in said proceedings under section 11 (b) (1), and may be heard as to all matters affecting its interests;

2. The request of the City of Bowling Green that an order should be entered forthwith in said proceedings under section 11 (b) (1) with respect to the disposition by the Trustees of their interests in The Ohio Northern Public Service Company and The City Water Company, is hereby consolidated for hearing with the proceedings pending before this Commission in the matter of Northeastern Water and Electric Corporation, et al., File No. 70-455, and a consolidated hearing with respect to said matters shall be held at the Washington offices of this Commission, the date of which hearing is hereby postponed to January 8, 1942, at 2:00 o'clock P. M., in the room to be designated on said day by the hearing-room clerk in Room 1102, 1778 Pennsylvania Avenue NW., Washington, D. C., before the officer previously designated by order of the Commission entered December 16, 1941, in said matter of Northeastern Water and Electric Corporation, et al.;

3. At said hearing to be held as aforesaid, there will be considered whether an order should be entered directing the disposition by the Respondents of their interests in the electric and water properties operating in Bowling Green, Ohio, said interests being represented by securities of The Ohio Public Service Company and The City Water Company;

4. In connection with said hearing there will also be considered, in addition to the other matters hereinbefore specified in the aforesaid order of December 16, 1941, the question of whether it is in the public interest or the interests of investors and consumers to permit the acquisition by the Trustees of Associated Gas and Electric Corporation of securities representing interests in electric properties located in the State of Ohio, pending the possible sale of said properties by Northeastern Water and Electric Corporation to interests outside the holding company system of said Trustees.

By the Commission.

[SEAL]

Francis P. Brassor, Secretary.

[F. R. Doc. 41-9781; Filed, December 27, 1941; 11:43 a. m.]

[File No. 70-459]

IN THE MATTER OF NEW MEXICO POWER COMPANY AND ALBUQUERQUE GAS AND ELECTRIC COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

The above-named companies having filed declarations and an application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 12 (b) and 12 (f) thereof, and Rules U-43 and U-45 promulgated thereunder, regarding the issue and sale by Albuquerque Gas and Electric Company to John Hancock Mutual Life Insurance Company of \$267,000 principal amount of 31/2% First Mortgage Bonds at 1041/4% of the principal amount thereof, the proceeds to be used to the extent necessary to acquire certain electric utility assets, subject to certain tax liabilities, from New Mexico Power Company, an associate company, said utility assets being adjacent to and interconnected with existing facilities of Albuquerque Gas and Electric Company; and

Said declarations and application having been filed on December 13, 1941 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations pursuant to Rules U-43 and U-45 to become effective and finding that the requirements of section 6 (b) are satisfied and that Albuquerque Gas and Electric Company

is entitled to an exemption from the provisions of section 6 (a) of said Act regarding the proposed issue and sale of securities; and finding it appropriate in the public interest and in the interest of investors and consumers that the date of permitting such declarations to become effective and granting such application be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declarations be and hereby are permitted to become effective and that the aforesaid application be and hereby is granted forthwith.

By the Commission (Commissioner Healy dissenting in respect of any order pursuant to section 6 (b) for the reasons set forth in his memorandum of April 1, 1940).

[SEAL]

Francis P. Brassor, Secretary.

[F. R. Doc. 41-9782; Filed, December 27, 1941; 11:44 a. m.]

[File No. 70-466]

IN THE MATTER OF THE CLEVELAND ELEC-TRIC ILLUMINATING COMPANY AND THE POWER & LIGHT BUILDING COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

The Cleveland Electric Illuminating Company, a subsidiary of The North America Company, a registered holding company, and The Power & Light Building Company, a wholly owned non-utility subsidiary of The Cleveland Electric IIluminating Company, having filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 10, 12 (c) and 12 (f) thereof and Rules U-42 and U-43 promulgated thereunder with regard to: (a) the proposal of The Cleveland Electric Illuminating Company to acquire, subject to all liabilities, all of the assets of The Power & Light Building Company in consideration of its surrender for cancellation of all the outstanding securities of The Power & Light Building Company, namely, 4,600 shares of capital stock of a par value of \$100 each, and (b) the proposal of The Power & Light Building Company to make the aforesaid transfer of its assets for such consideration, to retire and cancel all of its capital stock so to be acquired, and to dissolve.

And it appearing to the Commission that said assets consist primarily of an office building owned by The Power & Light Building Company and occupied solely by The Cleveland Electric Illuminating Company and that the continued corporate existence of The Power & Light

Building Company serves no useful corporate purpose;

And said joint application and declaration having been filed on December 18, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said joint application and declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and the parties having requested that said joint application and declaration be approved and be permitted to become effective as soon as possible; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to approve said joint application and to permit said joint declaration to become effective, and finding with respect to said application that the requirements of section 10 (b) and (f) of said Act are satisfied and that no adverse findings are necessary under section 10 (c). and finding with respect to said declaration that the requirements of sections 12 (c) and 12 (f) of said Act and of Rules U-42 and U-43 promulgated thereunder are satisfied; and being further satisfied that the approval of said joint application and the effective date of said joint declarations should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that said joint application be and the same is hereby approved and that said joint declaration be and the same is hereby permitted to become effective forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL]

-Francis P. Brassor, Secretary.

[F. R. Doc. 41-9783; Filed, December 27, 1941; 11:44 a. m.]

[File No. 70-470]

IN THE MATTER OF COMMONWEALTH UTILITIES CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than January 12, 1942 at 4:30 P. M., E. S. T., request the Commission in writing that a

hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Commonwealth Utilities Corporation, a registered holding company and a subsidiary of The United Gas Improvement Company, also a registered holding company, proposes to apply proceeds of \$1,-667,000, received from the sale of its former ice and cold storage subsidiaries, to the redemption of all its outstanding 12.338 shares of \$6.50 Preferred Stock of Series C (redeemable at \$105 per share) and all its outstanding 3,840 shares of \$6 Preferred Stock of Series B (redeemable at \$102 per share), on March 1, 1942 and April 1, 1942, respectively. It is further proposed, in order to effect such redemption, to eliminate the deficit resulting from the loss of \$1,907,808 sustained in the sale of said properties. It is proposed to charge said deficit to earned surplus and contingent reserve aggregating \$767,012, and the balance to the capital surplus of \$2,058,-377 which will be created by the proposed reduction in the stated value of the company's outstanding 288,873 shares of Class B Common Stock, substantially all of which is held by The United Gas Improvement Company, from the present average stated value of \$24.626 per share to \$17.50 per share, which reduction will be submitted for stockholders' approval at a special meeting on January 5, 1942. It is further proposed to charge said capital surplus with the premium on the proposed redemption of both series of preferred stock, the excess of liquidating value over the stated value of said preferred stocks, accrued and unpaid dividends on said preferred stocks to the dates of redemption, and redemption expenses. The balance of said capital surplus in the amount of \$694,783 will provide for possible losses which may be sustained in the sale of any of the company's remaining assets.

The company has designated sections 6, 7 and 12 (c) of the Act and Rules U-42 and U-46 thereunder as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-9784; Filed, December 27, 1941; 11:45 a. m.]

[File No. 70-458]

IN THE MATTER OF OGDEN CORPORATION, AND LITCHFIELD AND MADISON RAILWAY COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

Litchfield and Madison Railway Company, a subsidiary of Ogden Corporation which is a registered holding company, having filed a declaration pursuant to section 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 thereunder, regarding the sale at public auction of 5,350 units of beneficial interest of Utilities Realty Liquidation Trust; and

Ogden Corporation having filed an application pursuant to Section 10 of said Act, regarding the purchase of said 5,350 units of beneficial interest of Utilities Realty Liquidation Trust for \$26,-750 cash; and

Said application and declaration having been jointly filed on December 9, 1941, and an amendment thereto having been filed on December 18, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named parties having requested that said application, as amended, be granted and that said declaration, as amended, become effective on or before December 24, 1941; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration, as amended, pursuant to Rule U-43 to become effective and to grant the said application. as amended, pursuant to section 10, and finding with respect to said application under section 10 that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act, and finding with respect to said declaration pursuant to Rule U-43 that the requirements of section 12 (f) are satisfied, and being satisfied that the effective date of such declaration, as amended, and the date of granting such application, as amended, should be advanced.

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration, as amended, be and hereby is permitted to become effective forthwith and that said application, as amended, be and hereby is granted forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-9785; Filed, December 27, 1941; 11:45 a. m.]

[File No. 70-439]

IN THE MATTER OF THE KANSAS POWER COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

The above named company having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 7 thereof, regarding the reduction (effective October 20, 1941) from 3½% to 2¾%, in the interest rate on \$360,195.46 of unsecured notes of the Company due serially January 20, 1942—July 20, 1945, owing to the Continental Illinois National Bank and Trust Company of Chicago and the City National Bank and Trust Company of Chicago, said reduction in interest rate having

been agreed to by the banks in consideration of the payment by the Company of \$77,608.42 principal amount of unsecured notes maturing January 20, 1946 and July 20, 1946, which maturities were paid by the Company on or about October 9, 1941; and

Said declaration having been filed on November 18, 1941, and an amendment thereto having been filed on December 22, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named Company having requested that said declaration, as filed or as amended, become effective as soon as reasonably practicable; and The Commission finding with respect to said declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and being satisfied that the effective date of such declaration, as amended, should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be and hereby is permitted to become effective.

By the Commission. (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940)

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-9786; Filed, December 27, 1941; 11:45 a. m.]